Hugh Cox

$12.00

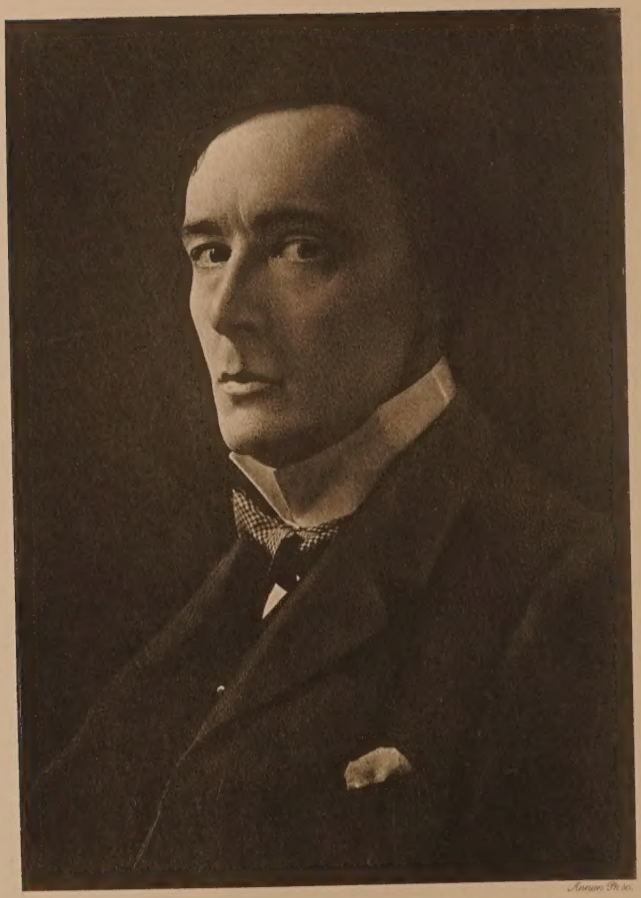
9/89
STRAND PRICE
$ 6.00

LAST STUDIES IN CRIMINOLOGY

MODERN DRAMA IN EUROPE
STORM JAMESON
Crown 8vo. 10/6 net

SOME ASPECTS OF LITERATURE
J. MIDDLETON MURRY
Demy 8vo. 10/- net

THE JOURNEY: ODES AND SONNETS
GERALD GOULD
Large Crown 8vo, boards. 7/6 net



H. B. Irving.

from a photograph by Ellis and Walery

LAST STUDIES
IN
CRIMINOLOGY

by

H. B. IRVING

LONDON: 48 PALL MALL
W. COLLINS SONS & CO. LTD.
GLASGOW MELBOURNE AUCKLAND

Copyright, 1921

Contents

	Page
ADOLF BECK	1
THE EXECUTION OF LESURQUES	35
LA RONCIÈRE	87
THE CALVARY OF PETER VAUX	179

ADOLF BECK

Adolf Beck

THE case of Adolf Beck made history in English law. It led to the constitution of a court of Criminal Appeal. It is melancholy to think that the long-drawn-out agony of this unfortunate Norwegian should have been necessary to bring about a reform which logic and common sense demanded, and only legal conservatism and the unreasoning indifference of the public had so long postponed. The case is also a startling instance of that 'persistent, inexplicable, fundamental, pre-ordained, irreducible iniquity,' in which some existences are steeped; 'a thousand coincidences that might have been contrived in hell, blending and joining together to work the ruin of an innocent man; while truth, chained down by fate, dumbly shrinking, as we do when wrestling with nightmare, is unable to put forth a single gesture that shall rend the veil of night.' These words of Mæterlinck were inspired by the case of Lesurques; they apply with perhaps even greater force to that of Adolf Beck. There are many circumstances in the administration of justice in France, under the Directory, which make it easy to explain the error committed in the case of Lesurques. But that of Beck occurred in a country priding itself on its administration of justice, and the comparative rarity in its legal annals of judicial error, in the teeth of all those safeguards by which our system was supposed to protect an innocent man from wrongful conviction. Never did 'murderous fatality' hunt down more surely its pre-ordained victim.

Of the innocence of Beck there can be no question. 'There is no shadow of foundation,' said the Report

of the Committee appointed to inquire into his case, 'for any of the charges made against Mr Beck, or any reason for supposing that he had any connection whatever with them.' No problem of guilt or innocence arises. The interest of the story of Adolf Beck's ill luck lies rather in marking the circumstances which one by one, through no fault of his own, struck the man down, and every time he tried to rise, flung him back into the clutches of a system which, it is evident, can in certain conditions become a terrible instrument of torture for helpless innocence. It is no part of this story to apportion blame. In Beck's case no one person was to blame in the sense of seeking deliberately to commit or, after it had been committed, stifle an act of injustice. All concerned in the tragedy seem the blind creatures of a relentless fate bent on compassing the ruin of Adolf Beck.

Beck may fairly be described as an unlucky man. Nothing in life had succeeded with him. Born in Norway in 1841, he had been educated as a chemist. He preferred, however, to go to sea, and in 1865 or 1866 arrived in England, where he obtained employment as clerk to a ship-broker. In 1868 he left England for South America and there for a short time appeared as a public singer. He was wounded in a revolutionary outbreak in Monte Video. After that he was employed variously in ship-broking, and buying and selling houses. In 1885 Beck returned to England. He made £8000 as commission on the sale of a Spanish railway concession, and with part of that sum bought a copper property in Norway. But the enterprise was not successful, and in 1893 Beck was obliged to borrow £900 from a hotel proprietor in Covent Garden. Mr G. R. Sims, who knew Beck for many years, describes him as a deeply religious man, soft hearted and impulsively generous, who had earned the friendship and esteem of many well-known

people at home and abroad. 'I have never known Adolf Beck,' wrote Mr Sims, 'do a mean or unkindly act. Amid all his persecutions and trouble I have known him do many kindly and generous ones.' Beck spoke and wrote English imperfectly.

In 1895 Beck was living in a flat in Victoria Street. On the evening of December 16th, in that year, he was standing at the street door looking for a newspaper boy, when a woman came up to him and said, 'What have you done with my watch?' Beck replied, 'Madam, I do not know you, you are mistaken.' The woman persisted in her accusation. Beck threatened to give her into custody. The woman still persisting, Beck said, 'Come with me,' and together they went up to a policeman. Beck said that the woman was annoying him by making a false accusation against him and asked the policeman to take her in charge. All three went to the nearest police station. There the woman repeated her statement, and Beck, from the accuser, found himself the accused. A little later two other women were brought into the station, both of whom identified Beck as a man who had robbed them. He was detained in custody.

It was a fatal impulse that prompted Adolf Beck to go down to his street door on December 16th, 1895, to look for a newspaper boy.

Some eighteen years before, on May 10th, 1877, while Beck was still in South America, a man of the name of John Smith, a circumcised Jew, twenty-seven years of age, had been convicted at the Central Criminal Court of 'bilking' women, and sentenced to five years' penal servitude. His practice at that time was to pass as a certain 'Lord Willoughby,' to make friends with a woman, hold himself out as a man of means and position, and give the woman a bogus cheque, on the strength of which he would borrow money from her and any poor articles of jewellery

which she happened to possess. Lord Willoughby would then disappear with the money, jewellery, and any other little articles of value he could lay hands on, and never be heard of again, while the unfortunate woman presented the cheque at the bank and realised that she had been the victim of a swindler. The trial of Smith took place before the Common Serjeant, Sir Thomas Chambers, afterwards Recorder of London, and the prosecution was conducted by Mr Forrest Fulton, who, as Common Serjeant of London in 1896, was to preside at the first trial of Adolf Beck. Smith was defended by Montagu Williams.

Two years after Smith's conviction it had become known to the prison authorities that the convict was a circumcised Jew. A certificate by the Medical Officer to that effect was then attached to Smith's penal record. When Smith was released on licence in 1881, his photograph and description were sent to Scotland Yard. By an unfortunate omission the fact of Smith's circumcision was not stated in the copy of his description sent to the police, a very unlucky circumstance, as it turned out, for Adolf Beck.

For two years after his release from prison Smith remained in England. He then went to South Australia where he practised as a doctor. In 1894 he returned to England, but until two years later, when he was carrying on a jewellery business in Rosebery Avenue, his whereabouts were unknown.

The woman who, on the evening of December 16th, 1895, had accused Adolf Beck of robbing her was named Ottilie Meissonier. According to her story she had met Beck in Victoria Street on November 26th. She was on her way to a flower show at the Drill Hall, Westminster. She said that Beck had stopped her, and asked if she were Lady Egerton. After apologising for his mistake, he got into conversation with her. It turned on the subject of flowers. He said that he had

an estate in Lincolnshire and kept ten gardeners. The woman said that she had a box of chrysanthemums at home. Beck asked if he might call at her house in Fulham and see them. She invited him to come on the following day. He did so, and was so struck apparently with the charms of Miss Meissonier that he invited her to go with him to the South of France. He was, he said, a cousin of Lord Salisbury and owned the greater part of Brompton. His income amounted to the paltry sum of £180,000. He gave Miss Meissonier a cheque for £40 to pay for her outfit for the Riviera. He was kind enough to say he would take a watch belonging to her to be mended, and a ring to be enlarged. After he had left, she missed another watch, and on presenting the cheque at the Union Bank in Trafalgar Square, learned that her wealthy friend had no account there.

This story which Ottilie Meissonier told to the police was one of many. Since the latter part of the year 1894, a number of women of light character had made similar complaints of having been defrauded by a man passing himself off as ' Lord Wilton,' or ' Lord Winton de Willoughby,' by giving bogus cheques and stealing articles of value by precisely the same method as that followed by John Smith eighteen years before. The police had been unable to lay hands on the swindler, but the arrest of Beck gave them hope that they had at last succeeded in getting the right man. In all twenty-two women were brought to see Beck, ten of whom identified him positively as the man who had swindled them; others were uncertain; one only declared that he was not the man. When, on the day following his arrest, Beck was brought up before the magistrate at Westminster Police Court, another woman told a story against him similar to that of Ottilie Meissonier. In her case the man had described himself as ' Earl Wilton,' and obtained from

her two rings and a bracelet. He had promised to set her up in an establishment in St John's Wood and, in order that she might get things for the new house, had given her a bogus cheque for £35 on a non-existent branch of the Union Bank in St James's Street. When, the previous evening, this woman had seen Beck with six other men at the police station, she said that she believed him to be the man, but would know better if he took off his hat. When he did so, she said that he was the man. Beck was remanded.

Hitherto the police had not associated the offences charged against Beck with those committed by Smith in 1877. But, the day following Beck's first appearance at the police court, a gentleman, who had seen an account of the proceedings in the newspaper and recollected the crimes of Smith, wrote to the authorities at Scotland Yard and called their attention to the similarity of the two cases. Following up this hint, the police obtained two pieces of evidence which seemed to confirm the suggestion of their correspondent. A police officer named Spurrell, who had been present at the conviction of Smith at the Old Bailey in 1866, swore positively that Smith and Beck were the same man. Gurrin, the handwriting expert, having examined the documents in the cases of Smith and Beck, and compared them with the admitted handwriting of the latter, declared that undoubtedly all the documents were in the same handwriting, and that it was a Scandinavian type of handwriting, which in the cheques and documents given to the defrauded women had been disguised. There were, he said, two styles of writing, one natural, the other feigned; all the documents that had been submitted to him were in the handwriting of Adolf Beck. From this moment the police and the prosecution accepted the fact that Beck as John Smith had been convicted previously in

1877 of offences similar to those now alleged against him in 1895. It was of a piece with Beck's ill luck in general that Gurrin, the expert, eight years later, admitted that he had been wrong in his conclusion that the documents in the Smith case and Beck's case were written in the disguised handwriting of Adolf Beck. This mistake of his played no small part in the eight years of suffering that Beck was fated to endure. It was unfortunate, too, that before the trial Inglis, another expert, employed by the defence, had agreed with the erroneous opinion of Gurrin.

During the subsequent hearings at the police court, eight other women gave evidence of having been swindled in a fashion similar to that already described, and identified Beck as the swindler. Spurrell and Gurrin also gave evidence, and on February 6th, 1896, Beck was committed for trial to the Central Criminal Court on various charges of felony and misdemeanour.

At the final hearing at the police court Beck had been anxious to make a statement asserting his innocence and denying the fact that he was John Smith. But his solicitor, Mr Dutton, who had been recommended to him by the police after his arrest, dissuaded him. From the moment that the prosecution alleged the identity of Beck with Smith, Mr Dutton believed that he had a 'winning case'; he was confident that he would be able to disprove the alleged identity, and so secure Beck's acquittal. But, however confident a solicitor may be of his client's innocence, it has been held by the Court of Criminal Appeal that it is as a rule unwise, if he have a good defence, not to disclose it at the police court.[1]

The position of Adolf Beck, an innocent man, is sufficiently tragic at the moment. Ten women have identified him as a swindler, charged with a peculiarly mean and dastardly form of theft. Some of the

[1] Wills, *Circumstantial Evidence*, 6th Edition, p. 102.

women admitted that they had gone to the police court in a spirit of revenge, hoping to be the means of punishing the man who had cheated them. But even allowing for the feeling of resentment which made these witnesses only too ready to see in Beck a heartless swindler, their statements are a startling proof of the little reliance that, except under very special circumstances, can be placed on evidence to identity. Beyond the fact that both men had a gray moustache, there was little or no physical resemblance between Beck and Smith. Smith spoke English perfectly, Beck with a strong foreign accent. Yet, in spite of these circumstances, ten women are found ready to swear quite honestly that an innocent man is a thief and swindler.

Beck had one, and that a seemingly impregnable answer to the charge against him. He said, 'I am not, as the prosecution allege, John Smith convicted in 1877 and sentenced to five years' penal servitude. I am prepared to prove beyond doubt that during the whole period from the conviction of Smith in 1877 to his release from prison in 1881, I was in South America. If I can prove that for only one day of that period I was out of England, it is conclusive proof that I cannot be John Smith.' We have seen that when he found himself charged at the police court as John Smith, Beck had wished to make a statement to this effect but had been dissuaded from doing so. He could only hope now to bring forward this proof of his innocence at his approaching trial.

What steps had the prosecution taken to satisfy themselves that Smith and Beck were the same man? The identification marks of Smith were sent by the police to the Public Prosecutor, and on January 15th, 1896, those of Adolf Beck. Mr Sims of the Treasury, in whose hands had been placed the conduct of the case, received those of Smith, but had no recollection of receiving those of Beck, nor did he make any further

application for them. He explained his inaction in the matter by saying that the evidence of Constable Spurrell, who had seen Smith nineteen years before, and now identified Beck as the same man, had satisfied him that there was sufficient *prima facie* evidence of Beck's identity with Smith. A police officer who, having independently examined Beck and compared his marks with those of Smith, had failed to find in Beck the corresponding marks, said that he communicated the result of his examination to Mr Sims. Mr Sims was positive that he had not done so. In any case it is clear that the prosecution, though they knew from Mr Dutton at the police court the nature of Beck's defence, had not taken every possible means of satisfying themselves beyond all doubt that Beck was John Smith. It must be added that the description of Smith sent to the Treasury did not state the fact of his circumcision. This fact was at this time known only to the prison authorities at Portsmouth. Twice before the trial, Mr Dutton applied to the Commissioners of Police for permission, for the purpose of the defence, to see the penal record of John Smith. Both applications were refused.

The trial of Adolf Beck began at the Central Criminal Court on March 3rd, 1896, before the Common Serjeant, Sir Forrest Fulton, now Recorder of London. Mr (now Mr Justice) Avory led for the prosecution, and Mr C. F. Gill for the defence. There were five indictments against Beck, one for misdemeanour, and four for felony. In each of the indictments for felony there was a count charging the prisoner with having been previously convicted as John Smith, but there was no such count in that for misdemeanour. Mr Avory at the time believed that an indictment for misdemeanour could not legally contain any charge of a previous conviction; but, as he himself pointed out subsequently, the

Prevention of Crimes Act (34 and 35 Vic.), would have justified its inclusion; in any case it was not, he said, his practice to insert such a count in an indictment for misdemeanour. It was on this indictment for misdemeanour, which contained no count of a previous conviction, that the prosecution elected to try Beck. This we shall see, from the point of view of the innocent man, was a most unfortunate decision.

It was unfortunate, too, for an innocent man that nothing could have appeared stronger than the evidence of the ten women who all swore to the identity of Beck with the man who, as Lord Wilton, or Willoughby, had swindled them so heartlessly. 'I was quite sure of him and always have been,' said one. 'The prisoner is the living picture of the man I saw,' said another. 'I recognised the prisoner at once,' 'I have not a shadow of doubt he is the man,' said others. There was some divergence among them as to the accent with which the man had spoken. Some said that he might have had a slight foreign accent, some that he spoke as an Englishman; others had noticed that he was not an Englishman; one said that at her flat he spoke with a Yankee twang, but when she saw the man at the police court she thought he was a Swiss. As the Prisoners' Evidence Act had not been passed at the time of Beck's trial, he was unable to go into the box and give the women an opportunity of hearing him speak; they might then have been less positive as to his identity. Mr Gill could shake them but little in cross-examination. He got from some of them that the conditions, under which they had identified the prisoner, had not in all cases been satisfactory, and that their feelings against the man they believed to have swindled them were angry and revengeful. But, taking it altogether, on the evidence of the women, the case against Beck was a very strong one.

To one of the women, the man who had swindled her had written on note-paper of the Grand Hotel, London, and had spoken of sending to her a one-armed commissionaire, a favourite character in his various romances, from that hotel. A waiter from the Grand Hotel was called by the prosecution, who said that for the last six years he had known Beck as a visitor to the smoking room of the hotel.

The proprietor of a hotel in Covent Garden gave evidence with obvious reluctance of the fact that Beck owed him a sum of money amounting to £1300 or £1400.

The crucial moment in the decision of Beck's fate was the appearance in the witness box of Gurrin, the handwriting expert. As we know, he had already formed the opinion that the cheques and lists in the present case, as well as those in the Smith case in 1877, were all in the disguised handwriting of Adolf Beck. The prosecution asked him only as to the former, making no allusion to the documents in the Smith case. It was when Mr Gill, in cross-examination, referred to the case of Smith that the question arose, the answer to which was to determine whether an innocent man was to suffer or not for the guilt of another. What occurred is given thus in the words of the Sessions Paper:—

'Mr Gill was proceeding to cross-examine as to the handwriting of certain other documents, exhibits in the case of a man Smith, tried in 1877. Mr Avory objected to the witness being cross-examined with a view of raising the question whether the prisoner was the person convicted in 1877 of an offence similar to that charged in the indictment; that was a collateral issue, and should not be inquired into until after the jury had returned their verdict, lest it should afterwards be said that the prisoner

had been improperly convicted. Mr Gill urged that the question was directly in issue, and that he was entitled to raise it, as his case on behalf of the prisoner was that the man who was convicted in 1877 was the man who had been committing these frauds, and that the prisoner had been mistaken for that man. He desired to show by cross-examination that the writing of the man convicted in 1877 was the same as that of the exhibits in the present case. Mr Gurrin stated that the exhibits in the case of Smith were examined by him some time after he had made his report; there was a reference in his report, produced at the police court, to the exhibits in that case. Mr Gill further contended that upon the question of the value of the witness's opinion he was entitled to have all the documents produced which had been submitted to him. Mr Avory objected to the witness being asked whether these exhibits were in the same writing as the lists in the present case. The Common Serjeant ruled that the question whether the prisoner was or was not the man convicted in 1877 was not admissible, on the ground that it related to another and distinct issue, and one calculated to mislead the jury. If witnesses were called to character, Mr Avory might cross-examine them as to the prisoner's previous character; or he might choose not to have the issue confused by the introduction of that matter.'

The situation was this: the prosecution had the positive testimony of the police constable, Spurrell, that Beck was Smith, and that of another retired constable, who had been in charge of the Smith case and was prepared to identify Beck as the man. They had Gurrin's report that the documents in both the Smith and Beck cases were all in the disguised handwriting of Adolf Beck. In the indictments for felony Beck was charged with previous conviction as Smith.

In part through a misapprehension on a technical point, Beck was not charged with previous conviction as Smith in the indictment for misdemeanour, on which the prosecution had elected to try him before the Common Serjeant. Mr Avory had positive instructions and himself no reasonable doubt that Beck was Smith. When Mr Gill commenced his cross-examination of Gurrin as to the documents in the Smith case, with the object of showing that the handwriting of these documents was not that of Beck, but that of a man named Smith, Mr Avory objected to the relevance of such evidence. The reason that prompted him to make this vital objection was that, if such evidence were admitted, he would then have to prove to the jury, as he believed he could, that Beck was Smith, and so prejudice the prisoner in the eyes of the jury by proving a previous conviction against him. It was also his feeling that the admission of this evidence might afterwards give ground for contending that the prisoner had been improperly convicted. Mr Gill, on his side, held the view, rightly or wrongly, that the only way, by which in the present trial he could raise the issue as to the identity of Beck with Smith, was by cross-examining the witnesses called for the prosecution, and then calling witnesses to prove an alibi in regard to the alleged previous conviction of Beck as Smith. To have pressed the matter further after the ruling of the judge he did not consider justifiable; to have turned and denounced the judge or Mr Avory would, in his opinion, have been an outrage. To have put forward an affirmative defence in opposition to the ruling of the judge would, he considered, have been rather a strong thing to do, and would have necessitated his calling Gurrin and Spurrell, hostile witnesses. These were the motives actuating the two leading counsel in the lines they took respectively in dealing with the question

of the identity of Beck with Smith. If Mr Avory's contention that such a question was a collateral issue were upheld by the judge, and Mr Gill did not consider himself justified in pressing the matter further, then Beck was lost.

The judge decided against him. He held that the question of Beck's identity with Smith was a collateral issue, and therefore inadmissible to be raised in the present case. The Common Serjeant had formed in his own mind during the case the opinion that probably Beck was not Smith, and that the prosecution were very doubtful on this point. He thought that Mr Gill, perfectly legitimately, was trying to run the defence on the identity of doubtful documents, to the exclusion of the positive evidence as to Beck's identity given during the trial by the various women. He had not the faintest recollection of his own appearance as prosecuting counsel in the Smith case in 1877; he had had very little practice at the Old Bailey at that time, and had probably held the brief for a friend.

The Committee of Inquiry into Beck's case in 1904, consisting of the Master of the Rolls, an ex-Indian judge and a distinguished civil servant and historian, was of opinion that the decision of Sir Forrest Fulton was wrong, that a prisoner was not debarred from referring to a previous conviction if material to his defence, that evidence adduced by a prisoner, relevant to his defence, cannot be excluded, although it be relevant also to a collateral issue which is not under trial. In their opinion, the evidence tendered by Mr Gill could only have been excluded on the ground that it was irrelevant to the main issue, the guilt or innocence of the prisoner. But in this case it was relevant to the main issue : ' It was the first step in a train of reasoning leading to the conclusion that Mr Beck was not the man. Two crimes were committed by one and the same man. Mr Beck

could not have committed the first. Therefore he did not commit the second.' To the Committee it seemed that Sir Forest Fulton had treated the sound rule as to evidence on collateral issues as applicable to the special circumstances of this case, which, with the greatest deference, they ventured to think, for the reasons given above, it was not.

The decision of the Common Serjeant on the second day of the trial was the last link in the chain of fatal circumstances that was to bring about the conviction and imprisonment of an innocent man. After the rejection of his plea, Mr Gill called some witnesses for the defence. When one of them was about to give evidence of his having met Beck in Peru in 1880, at a time when John Smith was serving his term of imprisonment in England, his evidence was objected to as irrelevant. On March 5th, after a few minutes' deliberation, the jury found Beck guilty. The Common Serjeant said that he considered the evidence as to identity had been overwhelming, not in one, but in every direction. He described the prisoner's crime as base, wicked, and entirely heartless, and sentenced him to seven years' penal servitude.

Mr Gill asked that the indictments for felony against Beck should now be tried, or a verdict of not guilty taken on them, but the judge decided that they must stand over till the next session of the court, when the Attorney-General entered a *nolle prosequi* in regard to them.

Beck was sent to serve the first part of his sentence at Wormwood Scrubs prison. There he was given the number allotted to John Smith in 1877, D.523, with an additional 'W' marking him as having been previously convicted. Beck was now legally, and all but in fact, John Smith.

Indeed, in the words of Sir Forrest Fulton at a later date, 'an awful calamity' had fallen on Adolf

Beck. But this was as nothing to the 'grievous wrong' that was to be done him in the time to come. Calamity he had suffered through what might be held to have been a too narrow interpretation of the law of evidence, wrong he was to suffer through the unsympathetic attitude of the Home Office towards his frequent appeals for justice. No doubt such appeals are constant and for the most part worthless, and breed in the official mind a certain natural scepticism. But there is always the danger that this scepticism may become a habit of mind, a danger which only constant vigilance can prevent.

The first of fifteen petitions presented by Beck to the Home Office was dated June 9th, 1896, and was drawn up by Mr Dutton, his solicitor. It put forward the question, left untried, of the identity of Beck with Smith; it pointed out that from 1873 to 1884, during the period embracing the trial and imprisonment of John Smith, Beck had been in South America, and stated that four gentlemen had attended at the trial prepared to swear to having known Beck during that period in Peru. One of them, a Gentleman of the Chamber to the King of Denmark, recollected a visit paid him by Beck whilst he was in prison in Lima, during the war between Chili and Peru, which had lasted from 1879 to 1881. All these gentlemen had been called for the defence at the trial as witnesses to the good character of Beck, but that part of their evidence which would have negatived the suggestion that Beck was Smith, had been ruled out as irrelevant to the issue. Mr Dutton now asked that the Home Office should cause such inquiries to be made as would prevent a 'grave miscarriage of justice,' and procure a free pardon for the petitioner.

There are two Home Office minutes drawn up on the subject of this petition, and the substance of both is a refusal on the part of the Home Office authorities

to examine into the question, raised by Mr Gill at the trial, of Beck's identity with Smith. They accept the ruling of the Common Serjeant as to the irrelevance of Mr Gill's defence. In the first minute it is said : ' Even if the prisoner is not Smith, the evidence of his guilt in the present case is quite overwhelming. He was identified by ten women, whom he had defrauded, quite positively. There was also the evidence of Mr Gurrin as to the handwriting of the forged cheques and its identity with the previous writing.' This minute, as the Committee of Inquiry pointed out, ' suggests no inkling of any miscarriage. It assumes as conclusive beyond discussion the ruling itself which is the real ground of appeal, and assumes as conclusive, evidence which was only conclusive because all evidence to the contrary was excluded by the ruling impugned.' In the second minute Mr Gill's defence is described as a ' clever ruse.' How, it is asked, could the evidence of his witnesses as to Beck's presence in South America be disproved? This would almost seem to suggest, said the Committee, that an alibi is defective and a ruse, because it is difficult for the Crown to answer it. Beck's alibi was a good one; it had not the vice of alleging events to have happened at a particular place and time, which had really happened, but at a different place and time from that alleged; the presence of Beck in South America on any one day during Smith's crimes and imprisonment was sufficient to prove his case. But into the question of this alibi the Home Office refused to go, and the petition was marked ' Nil.'

Speaking many years after the event and with no distinct recollection of the case, except from re-reading it, Sir Kenelm Digby, Permanent Under-Secretary at the Home Office in 1896, would seem at the time to have been greatly influenced in his view of the value of Beck's defence by the fact that Mr Gill, having

failed to put it forward by cross-examination, had not opened it as an affirmative defence. It led him to the conclusion that Mr Gill had not affirmative evidence strong enough to meet that of the prosecution, and that he had not pressed his case further because he could not really rely on the strength of it.

Whatever the reasons, no steps of any kind were taken by the Home Office at this time to make any inquiry into the facts of the case. They seem to have contented themselves with referring to the report of Beck's trial in the Central Criminal Court Sessions Paper and the *Times* newspaper, but made no examination into the case of Smith.

During the next two years of his imprisonment Adolf Beck addressed personally six petitions to the Home Office. They are written in imperfect English. The unfortunate man begins to believe himself the victim of a deliberate conspiracy, and accuses his solicitor, Mr Dutton, of acting in collusion with his enemies. He says that before his arrest he had been warned of a plot to ruin him. It is little to be wondered at that an innocent man, sent to seven years' penal servitude, with absolute proof of his innocence to be had for the asking, should fancy himself the victim of persecution. He protests his innocence emphatically. 'In whatsoever situation, misfortune or faults (sic) I may have had, I have never been guilty of obtaining anything by false pretences, nor have I ever stolen the value of a halfpenny from man or woman in my lifetime.' In spite of Beck's unjust suspicions, Mr Dutton was still active on his behalf. He had in vain endeavoured to obtain from the Commissioners of Police leave to inspect the official papers in the Smith case; he had in vain endeavoured to obtain an interview with the Home Secretary in order to lay before him the facts of the case. But at last, on May 25th, 1898, he makes a communication

to the Home Office, which, if it proved correct, must establish once and for all that Adolf Beck and John Smith were two different persons. He writes : 'I have been informed that it is believed the man, John Smith, alias John Weissenfells, was of the Jewish persuasion and would therefore have been circumcised in accordance with the custom of his race. I do not know whether this appears on the records of John Smith, but it can of course be easily proved that Beck has not been circumcised.' The Home Office made the necessary inquiries. The fact of Smith's circumcision, known to the prison authorities since 1879, came to light. There could now be no longer any question that Adolf Beck was not the John Smith whose prison number he had been wearing for the last two years.

Was this discovery to be the means of proving the innocence of Beck and procuring his pardon and release? Would it lead to an examination into all the facts of the Smith case and his own? Here is the minute of the official of the Home Office on receipt of the information :—

'I believe Mr Dutton is so far right that Beck and Smith are different persons, which is shown by the marks on them which I have compared, which differ widely and which curiously have never been referred to before; but this does not prove that Beck was not guilty of the many offences of the same kind of which he was convicted, he having been satisfactorily identified by numerous women whom he had defrauded, though it does prove that the police witness was mistaken and shows how invaluable in such a case would have been the measurement system.'

It does not seem to have occurred to the writer of this minute that if the police witnesses, Spurrell and

another constable who had been in charge of Smith's case in 1877, had 'knowing what was at stake' sworn at Westminster police court in 1896 that they had 'no doubt whatever' that Beck was Smith, it was very possible that these ten women might have made a similar mistake in regard to Beck's identity. Every consideration should now have urged a close and searching inquiry into the facts of Smith's case, and an examination of the documents in that case which were admitted to be in the same handwriting as those in the case of Beck. If Beck and Smith were provedly different men, and the handwriting of the documents in the two cases the same, then clearly the writing in Smith's case could not be, as Gurrin had declared, the disguised writing of Adolf Beck. The Home Office took no steps to ascertain the truth as to this question of handwriting; the matter was left uninvestigated. What they did was to send the petition of Beck, the letters of Mr Dutton, the reports of the two trials, and a note of the distinctive marks of Smith and Beck to the Common Serjeant, Sir Forrest Fulton, and ask for his opinion on the case and the representations made on Beck's behalf.

Here, in the run of persistent ill luck, which seemed at every turn determined to defeat any attempt to bring about the rehabilitation of Beck, occurred a misunderstanding of most unhappy consequence. In his reply to the Home Office, Sir Forrest Fulton wrote: 'I do not understand if the paper sent to me, purporting to be a record of the marks of Smith and Beck respectively, is official or not. I observe that Mr Dutton, in one of his communications, says he is informed that Smith was a Jew and was circumcised. It is, of course, obvious that if at the time of his conviction, Smith was circumcised and Beck is not so, they cannot be one and the same person.' Seeing that Sir Forrest Fulton was clearly in doubt as to the official

character of the information in regard to Smith's circumcision, it would seem that he should have received a definite assurance of that fact. This was not given him, nor was this fact of the circumcision of Smith communicated by the Home Office to the Treasury or to the police. Mr Murdock of the Home Office, though he discussed the case of Beck with Superintendent Fröest of the police, and the evidence of the women in regard to a certain scar, never mentioned to him the discovery of Smith's circumcision.

The rest of Sir Forrest Fulton's reply was unfavourable to Beck; he reiterated the overwhelming character of the evidence of the women as to Beck's identity, and wrote that he should be inclined to regard the South American alibi with great suspicion, requiring, before it could be acted on, the most stringent and searching examination. He had, he wrote, regarded the crime as exceptionally cowardly, selfish and cruel, and fully deserving the very severe sentence he had passed upon it.

Stringent and searching examination into all the facts of Beck's appeal was the one thing the Home Office declined to give. Instead we find the minute dated July 15th, 1898,—

'The Common Serjeant has not the slightest doubt that the allegation that Beck is the man who was convicted of a similar offence in 1877 is open to doubt, but this is really immaterial, as Beck is punished only for the offence proved in 1896.

Nil: But let the convict be given a fresh prison number so that his identity with John Smith should not be affirmed.'

And in the following month, the convict Beck, who had now been removed to Portland prison, was

ticketed with the number W. 78 instead of that of John Smith D.W. 523.

To say that it is 'open to doubt' whether a man circumcised in 1879 could be the same man as one uncircumcised in 1898, seems like flying in the face of nature. From this moment the fact that Beck was not, and could not be, Smith, could admit of no doubt whatever; it was an absolute certainty. It proved conclusively the second step in the defence put forward on Beck's behalf; it gave new weight to the evidence of the alibi and added significance to the point urged by Beck in the poor English of his petitions that in examining 'that man's triel of 77 ther will be found the same story as told by these women against me, the same cheques, the same handwriting and signatur.'

On July 27th the Home Office informed Mr Dutton that the Secretary of State did not feel justified in recommending any interference with the sentence passed on Adolf Beck. Two extraneous circumstances had about this time helped to influence the Home Office in their unfavourable attitude towards Beck's petitions. After his sentence, the Swedish Minister had called at the Home Office and got permission for a solicitor, acting for the Legation, to see Beck and go into his case. Nothing more was heard of any action on the part of the Swedish Minister. 'If there had been anything in his case,' says an official minute of April 15th, 1897,' the Home Office would have heard of it from the Legation ere this.' The other circumstance was a statement made to the Home Office by Superintendent Fröest to the effect that since Beck's conviction, the particular form of swindling loose women, of which he had been found guilty, had entirely ceased.

Still Beck continued to address to the Home Office passionate appeals for justice. 'It is only,' he writes,

' by the help and infinit mercy of God, that I am not by now a lunatic or a total wreck in healt, from what I have endured.' He urged yet another point as disproving his identity with the man who had swindled the women. They had said that the man had a scar on the right side of his neck. The official description of Smith showed that he had such a scar, that of Beck that he had not. What occurred at the trial of Beck in relation to this alleged scar is not quite clear. According to the Sessions Report, one of the women said that the man had ' a little scar by the right side of his neck under the ear.' At Mr Gill's request she went up to the dock and pointed to the angle of the prisoner's jaw, at the place where she said the mark was, and then said, ' I do not see it now.' Another woman, Ottilie Meissonier, said that the man ' had some mark just below the right jaw.' In cross-examination she said that she could see it now, and some of the jury stated that they saw the mark described. At the time that Beck petitioned the Home Office on this point, his petition was accompanied by a report from the medical officer of the prison, stating that he had carefully examined the prisoner's neck and could not find any scar there. In addition the Home Office had the official descriptions of the two men which corroborated this statement. But from an account given them by Superintendent Fröest of what took place at the trial, which differed in some respects from that in the Sessions Paper, they would seem to have satisfied themselves that there was nothing in Beck's plea.

To the end Beck persevered in his prayers for justice. He believed himself to be the victim of a ' monster complot '; he had been tricked and abused; he begged that he might be set free to attend to his business; in the name of God he besought His Majesty's Principal Secretary of State for the Home

Department to give him that justice, by the law of God and man his due. At length on July 8th, 1901, after undergoing five years of his sentence, Beck was released on licence from Pentonville prison.

From the moment of leaving prison, Beck set himself by all the means in his power to vindicate his good name, to get at the bottom of the conspiracy which, as he thought, had worked his ruin and incidentally killed his mother. She had died of grief at the time of his arrest. A poor man, Beck spent nearly £1000 in his attempts to prove to the world that he was an honest man. One of his first visits after his release was to Mr G. R. Sims. Never from the very first had Mr Sims, himself a man of the world and one who in his time has rubbed shoulders with all manner of men, good, bad, and indifferent, doubted for a moment Beck's innocence and the fact that his conviction had resulted from some terrible mistake. 'I had known Adolf Beck,' he writes, 'since 1885, and all the juries in the world would never have convinced me that he was a petty thief, a cowardly swindler of foolish women.' Soon after his trial, Mr Sims had written an article in which he had pointed out the impossibility of Beck being John Smith. After his release, Beck brought him articles that had appeared in certain newspapers, extolling the police and pointing out the great credit due to them for 'laying by the heels the meanest and most contemptible scoundrel of modern times.' Mr Sims went to the editors of these newspapers and succeeded in convincing them of the injustice of these 'communications.' On condition of Beck guaranteeing that, in the event of his innocence being proved, he would not take any proceedings against them, these newspapers now wrote articles calling for a reconsideration of his case. The Investigation Committee of the Salvation Army lent their aid in Beck's cause.

It seemed possible that the unfortunate man would in a short time be in possession of money sufficient to enable him to prosecute his vindication with even greater vigour. But the time was not given to him.

In August of 1903, John Smith, whose movements had been lost sight of, is known to have been in London again.

On April 15th in the following year, Adolf Beck was re-arrested on a charge of swindling a woman named Pauline Scott.

Miss Scott had on March 22nd met a gentleman in Oxford Street, who was good enough to ask her for her address. He gave his as the Hyde Park Hotel. Next day he called on her. He gave his name as Lord Willoughby. He could not stay long, he said, as he had to go to the House of Lords. He wished to make Miss Scott a little present, and wrote out a cheque with which she was to buy some dresses. He expressed a further wish to make her a present of jewellery and, in order to get the measurement of her finger, borrowed one of her rings. He took also a watch of hers, which he was to have repaired and, as his valet had carelessly let him come out without his money, his lordship was good enough to borrow a pound from Miss Scott to pay for lunch. In the Edgware Road they parted. Needless to say, Miss Scott never saw Lord Willoughby or her jewellery again, and his lordship's cheque turned out to be bogus.

The same day Miss Scott made a complaint to the police. Detective-Inspector Ward came at once to the conclusion that Miss Scott was another victim of Adolf Beck, who had no doubt recommenced the swindling practices of which he had been convicted eight years before. On March 31st he took her to a restaurant in Oxford Street, which Beck was in the habit of frequenting. She stayed in the restaurant for nearly two hours, but failed to identify Beck,

though he was there for a short time. On April 15th Ward took her to the corner of Store Street, Tottenham Court Road, where Beck was then living. When, about half-past nine in the morning, Beck came out of his house, Miss Scott went up and spoke to him.

After five minutes' conversation she told Ward that this was the man who had swindled her. Ward took Beck into custody. Beck said that it was all a mistake, a trumped up charge. His protests were unavailing; he was lodged in Paddington police station. Later, four other women identified Beck as a man who, about this time, had swindled them in exactly the same way as Lord Willoughby had employed with Miss Scott. One woman, who had been similarly defrauded, failed to identify Beck as the man.

On April 23rd, Beck was charged at the Marylebone Police Court with defrauding certain women, and on May 19th, committed to take his trial at the Central Criminal Court. Mr Sims, who had prosecuted for the Treasury in 1896, appeared against Beck at the police court, and Gurrin gave the same evidence as to the similarity of handwriting, which he admitted subsequently to have been incorrect. At the end of the magisterial hearing, Beck said: 'Before God my Maker I am absolutely innocent of every charge that has been brought against me. I have not spoken to, or seen any, of these women before they were set against me by the detectives. I can bring many witnesses to prove I have acted honestly in my business in the city from 10 a.m. to 6 p.m. I ask the Press to help me to get all evidence in my support from my solicitor.' The present writer was told by a barrister who had heard in court Beck's vehement protestations of his innocence, that for some reason or other, whether the foreign accent, the imperfect English, or something unfortunate in the manner of the man, they

were not convincing—another illustration of the well-known fact that, in their repudiation of guilt, the innocent are only too frequently less convincing than the guilty.

The Treasury in the brief, supplied to counsel for the prosecution at the approaching trial, commented in an unfriendly spirit on Beck's declaration of innocence. 'Though he called upon Heaven,' it said, 'to witness, and the Press to take note that he was an innocent man, he did not venture to go into the witness box.' Before the second arrest of Beck, the Prisoners' Evidence Act (1898) had been passed, giving to an accused person the right to go into the witness-box and be examined on oath. That Beck did not avail himself of this privilege at the police court was made a matter of unfavourable comment. There is no doubt that if a prisoner has a good answer to the charge against him, it is wiser that he should make it at the earliest opportunity.

Beck had been committed for trial to the June sessions of the Central Criminal Court. The information in possession of the Home Office as to Beck and Smith being two distinct persons had not reached the Treasury. In the brief for the prosecution it was stated: 'This will be the third time upon which the prisoner has stood in the dock of the Central Criminal Court charged with offences of a like description.' Therefore, once again, though their identity had been conclusively disproved, Beck was to stand in the dock as John Smith. His trial would, in the ordinary course of events, have taken place before Sir Forrest Fulton, who had now been promoted from Common Serjeant to Recorder of London. But the Recorder disliked trying the same man twice, and it was arranged that Beck should be tried before Mr Justice Grantham, the High Court judge attending the sessions.

The hearing took place on June 27th, 1904. Mr (now Sir) Charles Mathews and Mr (now Sir) Archibald Bodkin, led for the prosecution, and Mr Leycester defended. Beck, who had been obliged to change his solicitor a week before the trial, applied in vain for a postponement. Four women gave evidence identifying Beck as the man who had swindled them at various dates in August 1903 and March 1904, and the evidence of a fifth, who was ill, was read. Gurrin went into the box again, and swore that the cheques and other exhibits in the case were in the same handwriting as that of Beck, but 'studiously disguised.' Beck, in giving evidence on his own behalf, as he was now entitled to do under the Prisoner's Evidence Act, said that on three of the dates in March given by the women, he was in the City on business, but he called no evidence in support of his statements. His solicitor, who had known Beck for fifteen years, went into the box and said that he disagreed with the conclusions of Gurrin in regard to the likeness between Beck's handwriting and that of the documents in the case. The issue as to the identity of Beck and Smith was never raised by the defence. It was not until some time after the trial that Mr Leycester learned the fact that Smith was a circumcised Jew and Beck not.

Beck was found guilty by the jury; he was now, for the second time, convicted of offences of which he was absolutely innocent. But the judge postponed passing sentence. Mr Justice Grantham said afterwards that he found himself, without knowing exactly why, dissatisfied about the case. The prisoner's guilt seemed to him proved, and his 'implicit faith in the accuracy of Home Office inquiries' led him to believe in the prisoner's previous convictions. At the same time he felt that Beck was not an ordinary member of the criminal classes, but an unfortunate man affected with a mania for duping foolish women.

The judge sent for the counsel for the prosecution and defence, and expressed to them his doubts and his intention of passing a sentence of twelve months on the prisoner. But he could get from them nothing that seemed to justify the uncertainty in his mind. He sent a prison doctor to see Beck, who assured him that the man was perfectly right in his mind. Lastly, Sir William Grantham saw the detectives in the case, and they successfully 'closed the door' on the undefined doubt that was troubling him. He determined on the sentence which he should pass on Beck at the following July sessions at the Old Bailey.

To all appearances Beck's last hope of escape from serving a second term of imprisonment for crimes which he had not committed, had gone. For aught he knew, the unhappy man was to pass through another long period of undeserved shame and suffering. But on July 7th, only a few days before the opening of the sessions at the Old Bailey, at which Beck was to have received sentence, a police inspector of the name of Kane happened, about eleven o'clock at night, to visit the Tottenham Court Road police station. He had been present at both trials of Beck. He was told that there was a man detained in the station on charges similar to those of which Beck had been convicted. He saw the man and satisfied himself that he was the John Smith convicted in 1877. Events moved with rapidity. In ten days from Kane's visit to Tottenham Court Road police station, Beck was a free man.

Of the five women who had identified Beck at his second trial, three now identified Smith as the man who had defrauded them; the two other women had gone abroad. It was impossible to trace the women who had given evidence against Beck at his first trial in 1896. But one was found who at that time had refused to identify Beck, and had therefore not been called as a witness at the trial. She was now shown

by the police a number of photographs including one of Smith. This she immediately picked out from among them as that of the man who had swindled her. One of the women had described the swindler as carrying a gold watch with a number of Egyptian coins attached to it. No such watch had been traced to Beck, but such a watch was found on Smith. Some of the Grand Hotel note-paper, which Beck had been accused of using, was also found in the possession of Smith. Gurrin withdrew unreservedly his expert opinion on the identity of the handwriting of Smith with that of Beck. His excuse that, had he known of the fact of Smith's circumcision and the absence of such a mark on Beck, it would have modified considerably his judgment, does not give one much faith in graphology as a pure science.

On July 29th, the King granted Adolf Beck a free pardon in respect of his two convictions in 1896 and 1904.

On September 15th William Thomas, alias John Smith, describing himself as a journalist, aged sixty-five, stood in the dock at the Old Bailey and pleaded guilty to a charge of stealing some rings and an umbrella from three women and to a previous conviction of a similar kind at that court in 1877.

The early history of John Smith is wrapped in mystery. He said that his real name was William Augustus Wyatt, that he was born in Lancashire, and had later gone to Australia, where he had taken medical degrees. At another time he gave his name as Meyer, and said he was an English Jew. After his release from prison in 1881, he had gone to South Australia and set up as a physician. In 1894, two years before the first arrest of Beck, he had been charged with fraud at Bow Street, but discharged for want of evidence. His previous history and the proof of his presence in London at the time of the offences

alleged to have been committed by Beck 'made it possible,' in the words of Mr Mathews who appeared for the prosecution, 'that he could have been the author of the crimes of 1896, and likely that he was the author of the crimes of 1904.' He was sentenced to five years' penal servitude.

It was proposed at first by the authorities to give Beck a sum of £2000 'in full settlement of all demands' as compensation for his sufferings, and there the matter would have ended. But public opinion had been aroused. Mr G. R. Sims had enlisted the help of the *Daily Mail*, making known to the public at large the facts of Beck's case. It was realised that a gross and shocking miscarriage of justice had occurred, that our vaunted safeguards for the protection of the innocent man accused of crime had been powerless to prevent the prolonged torture of a helpless foreigner. The case was brought before Parliament, and the Home Secretary appointed a Committee of Inquiry to investigate the circumstances of the two convictions. The committee consisted of Sir Richard Henn Collins, then Master of the Rolls, Sir Spencer Walpole, a distinguished civil servant, and Sir John Edge, an ex-Indian Chief Justice. They sat for five days, during which the judges, counsel solicitors, Home Office and police officials concerned in the two cases were examined, as well as Beck himself. The findings of the committee may be summarised as follows:—

THAT the conduct of the police had been dictated by nothing but a sense of duty, and had been perfectly correct.

THAT the omission of the prison authorities to state the fact of Smith's circumcision in the records of 1877 and 1881, was the primary cause of the miscarriage of justice.

THAT the ruling of the Common Serjeant at the trial of Beck was wrong, and led as a consequence to a mis-trial.

THAT the action of the Home Office in dealing with the case in 1898 was defective.

THAT there was no shadow of foundation for any of the charges made against Beck, or any reason for supposing that he had any connection with them whatever.

The committee did not report in favour of the creation of a Court of Criminal Appeal, but three years later such a court was set up.

Adolf Beck received finally £5000 compensation. He died of pleurisy in the Middlesex Hospital in the December of 1909. For two years before his death he had been in poor circumstances.

Nothing prospered with Adolf Beck, but nature, according to his friends, had happily bestowed on him a temperament of undefeated optimism; no man ever had greater need of such a thing.

THE EXECUTION OF LESURQUES

The Execution of Lesurques

About nine o'clock on the night of April 26th, 1796, (8th Floréal in the year IV. of the Republic) the mail travelling from Paris to Lyons was attacked, nearly two miles beyond Lieursaint, at a distance of some five-and-twenty miles from Paris. The courier and postilion were brutally murdered, and the contents of the mail, including a sum of seven million livres in assignats, despatched to the army of Italy fighting under General Bonaparte, stolen. Besides the courier and the postilion, there had travelled in the mail a passenger, a dark-haired, dreary and taciturn individual in a brown coat and round hat, who carried as his only luggage a sabre. He had disappeared after the crime, and with him one of the horses attached to the mail. On the scene of the robbery, the bridge of Pouilly, there were found a gray cloak lined with blue, a broken sabre, inscribed somewhat ironically on one side of the blade, 'Honour is my guide,' and on the other, 'For the safety of my country,' its sheath, a red leather belt, the blade of a knife, and a silver gilt chain spur that had been mended with a piece of thick thread. Another sabre and its sheath were picked up later on the road to Paris. It was proved that, during the afternoon of April 27th, four horsemen had been seen by various persons at different points on the road between Paris and Lieursaint. But it was some days before any trace could be found of these suspicious cavaliers.

Inquiries showed that the solitary passenger in the mail, in booking his place, had given the name Laborde. Further investigation revealed the fact

that, at five o'clock on the morning after the crime, a man named Etienne had brought four sweating horses to a stable in Paris. The same evening, accompanied by a Jewish corn-merchant, called Bernard, the same man had taken the horses away. The police discovered that Etienne was the Christian name of a certain Couriol, who with his mistress, Madeleine Bréban, had left his lodging in Paris on the night of April 27th, and gone to the house of a hawker named Richard. They had stayed there until May 6th, when they left Paris for Château-Thierry. There they were living at the house of an official, named Gohier, employed in the military transport service, when they were arrested. In the possession of Couriol was found nearly a fifth of the money and valuables stolen from the Lyons mail. At the time of Couriol's arrest a colleague of Gohier, Guénot by name, was staying in the house. He was a gray-haired, sharp-nosed, thick-lipped man, strongly marked with the small-pox. Guénot had lodged in Paris at the house of Richard at the same time as Couriol and his mistress. Transport officer at Douai, his native town, Guènot had there made the acquaintance of Richard and, having occasion to come to Paris on business, had taken up his abode with his compatriot. Both Richard and the Jew, Bernard, were arrested, as also an individual of the name of Bruer, a friend of Couriol, who, with Richard, had accompanied Couriol and his mistress part of the way on their journey to Château-Thierry. Bruer was a bit of a philosopher; he had seen so much of the world that nothing, not even arrest, could surprise him; he had a round face and gray eyes.

Etienne Couriol, to whom his mistress said that she believed the sabre bearing the inappropriate inscriptions belonged, is described as a dark-complexioned, black-haired individual, of a Roman cast

of countenance, with a nondescript mouth. Arrested in bed, Couriol, after the first pardonable shock of surprise, resumed his natural imperturbability, described himself on apparently insufficient grounds as a silk-merchant, and explained the presence of over a million livres in bills and notes among his effects, as being the whole extent of a fortune made in honest trade. By the quantity and quality of his wardrobe this young man of eight-and-twenty would seem to have been something of a dandy. As he left Château-Thierry in custody, he assured his friend Gohier that in two or three days he would return to fetch his property. But these sanguine anticipations were not realised.

In Paris, a magistrate of the name of Daubanton had undertaken the investigation into the circumstances of the robbery of the Lyons mail. Of all those accused, Couriol seemed to be the most deeply implicated. A great deal would depend on the evidence of the persons, who, on the road from Paris to Lieursaint, had seen the four horsemen on the day of the crime, and on their power to identify them with any of those already under arrest.

On May 11th, a number of these witnesses had been summoned to Paris to the office of Daubanton. Thither that morning went Guénot of Douai who, it will be remembered, had been lodging at Château-Thierry in the house of his colleague, Gohier, at the time of the arrest of Couriol. On that occasion, his papers had been seized and taken to Paris, and he was now on his way to Daubanton's office to ask for the return of them. As he passed through the streets, he met a friend and fellow-citizen, one Joseph Lesurques. This Joseph Lesurques was thirty-three years of age, fair-haired, blue-eyed, good-looking, with a high forehead and regular features; one of his fingers was crippled, and he had a scar on the right side of his

face. He was a man of independent means. He had made his fortune in Douai, but left his native city a year before, and since then had been living in Paris. Guénot told his friend Lesurques the nature of his errand, and asked him to accompany him to the magistrate's office to speak to his identity. Though, he said, he did not care about frequenting such places, Lesurques consented. When they arrived at Daubanton's office, the two men were shown into the anteroom, in which some twenty witnesses connected with the affair of the Lyons mail were waiting to be examined by the magistrate. Lesurques and Guénot had not been sitting there long, when two country-women, who had been watching them intently, became greatly excited and asked to see the magistrate without delay. Taken into his presence, one of them, named Santon, servant at an inn at Montgeron, a village between Paris and Lieursaint, stated that she recognised Lesurques and Guénot as two of four horsemen who, about half-past two o'clock on the afternoon of April 27th, had taken coffee and played billiards at the inn, in which she was employed. The other woman, Grossetête by name, servant at another inn at Montgeron, where, during the afternoon, the four horsemen had dined, said that she recognised Lesurques and Guénot as two of the guests for whom she had fetched a couple of pipes and some tobacco.

Daubanton sent first for Guénot. When the latter asked for his papers, he was told to his astonishment that he must consider himself at the disposal of justice. Daubanton questioned him closely. Guénot said that on April 27th, the day of the robbery of the mail, he had been travelling from Château-Thierry to Paris. He had met Couriol first on April 28th at the house of Richard, and had breakfasted with him on the following day; he denied having ever been in his company before that date.

After Guénot, the magistrate sent for and interrogated Lesurques. In answer to his questions, Lesurques said that he had been a year in Paris and had never left the city during that time. On the 11th or 12th Floréal, three or four days after the robbery of the mail, he had breakfasted with Guénot at the house of Richard, whom he knew as a fellow-citizen of Douai, and had there on that occasion met a dark man of the name of Etienne (Couriol). Lesurques described himself as a man of means; he had acquired a sufficient fortune by buying and selling land confiscated by the revolutionary Government. Asked how it was that he had in his possession an identification paper in the name of André Lesurques and another which was blank, he said that the one had been left with him by his cousin and the other must have been among some papers which he had bought. Asked why, having lived in Paris a year, he had not taken out an identification paper in his own name, he said that, as he was always at home in good time at night, he had not thought it necessary, and had left all his own papers with his agent at Douai. At the end of their examinations, both Guénot and Lesurques found themselves under arrest.

The account which Lesurques had given of himself was substantially true. He was living at his ease on an income of 10,000 livres a year. His property was estimated after his death at a total value of 185,000 livres. Lesurques was married and the father of three children. He was inclined to be expensive and artistic in his tastes, frequenting the society of painters and other men of art. The fact that he kept a mistress —not a very remarkable circumstance considering the extreme laxity of public morals under the Directory— does not seem to have interfered with the love and devotion of his wife and children. This man now

found himself accused of complicity in a sordid and brutal crime.

As the case proceeded, the evidence against Lesurques became more serious than it had at first appeared. Of ten witnesses from Lieursaint and the neighbourhood, seven swore positively that Lesurques was one of the four horsemen seen on the road on April 27th, and three expressed a belief that he was one of them. It was true that they varied in their descriptions of him; one described the coat he was wearing as blue, another as flesh-coloured, and a third as light gray. But their number was formidable, greater than in the case of any other of the accused men. Eight witnesses swore to the identity of Couriol as one of the horsemen, four to that of Guénot, three to that of Bruer, and two to that of the Jew, Bernard. Of those who swore to the identity of Lesurques, the most positive, besides the women Santon and Grossetête, was a woman named Alfroy, coming from Lieursaint, who identified Couriol and Lesurques as two men whom on the evening of April 27th she had seen pass two or three times in front of her door. Champault, an innkeeper at Lieursaint, well remembered Lesurques as one of four horsemen who had called at his inn on the day of the robbery, and said that he had asked his wife for a piece of string with which to mend his spur. The wife corroborated her husband's statement. Gillet, who kept cows at Lieursaint, identified Lesurques as one of three horsemen who had passed in front of his house about a quarter-past five the same evening, and said that he recollected him the more surely because of his likeness to a friend of his. A stable-boy at the inn at Montgeron where the four horsemen had dined, was sure that he recognised Lesurques as having been the first to arrive at the inn, about half-past one that afternoon.

Against the evidence of identification Lesurques

set up an alibi. He said that during the morning of April 27th he had spent two hours in the shop of a friend, Legrand, a goldsmith and jeweller, and that he had then gone with another friend, Hilaire Ledru, a painter, to his cousin André Lesurques' house in the Rue Montorgueil, where he was staying until his new house in the Rue Montmartre should be ready. At six o'clock in the evening he had gone out for a walk in the streets, had there met Guénot, and together they had gone to a café and had a glass of wine.

Shortly after his arrest Lesurques wrote to a friend in Douai:—

'My friend, since I came to Paris, I have met with nothing but unpleasantness; but I did not anticipate, and could not have anticipated, the misfortune which overtakes me to-day. You know me well, and you know that I could never stain myself with a crime; and yet I am accused of the worst of all crimes. The mere thought of it makes me shudder. I find myself implicated in the case of the murder and robbery of the courier of the Lyons mail. Three women and two men whom I don't know, not even where they come from, (for you know that I have never left Paris,) have had the audacity to state that they recognised me as a man who had come to their house on horseback.

You know that I have never ridden a horse since I came to Paris. You can realise the importance of such evidence as this, which may well result in a judicial murder. Help me by searching your memory and trying to recollect where I was, and who were the people I saw in Paris at the date on which they have the impudence to say that I was away from Paris, (I think the 7th or 8th of last month,) that I may be able to confound these infamous slanderers, and make them suffer the punishment prescribed by law.

'LESURQUES.'

On May 22nd, the preliminary investigation into the case which was being held by Daubanton in Paris, was quashed on the ground of illegality, and re-opened before the criminal court at Melun, within whose jurisdiction the crime had been committed. This new investigation took place before a Jury of Accusation, a body somewhat similar to our grand juries. The President of the Jury examined the witnesses, and then submitted to his colleagues an Act of Accusation, on hearing which they were to decide whether the case for the prosecution was strong enough to send the prisoners for trial before the criminal court. Once again Lesurques was confronted with those witnesses who had sworn to his identity as one of the assassins. Asked to explain how it came about that these witnesses were so positive in their identification of Guénot and himself, he replied that the situation was inconceivable to him, as he had never left Paris since he had come to live there, had never been on the road to Melun, and had means enough on which to live comfortably and bring up his family. 'These witnesses,' he said, 'are deceived. Unless there be some resemblance between me and one of those whom they saw that day on the road to Melun, they cannot have honestly sworn to the truth of such a thing.'

On June 27th the President submitted to the jury his Act of Accusation. Lesurques, Couriol, Guénot, Bruer, Richard, and Bernard were all indicted. The facts of the case were stated with no scrupulous regard to accuracy, and as the result of the preliminary inquiry, the complicity of all five in the crime was held to be proved. The case against Lesurques was thus presented:—

'As to Joseph Lesurques, six witnesses testify against him in the strongest and most positive way, some of whom have seen him on the day of the 8th

Floréal, dining at Montgeron with Couriol and Guénot, and afterwards going with them to take coffee. And who are they who swear to these facts? The servants who have waited on them at the inn at which they dined, and at the café to which they went afterwards. There is a citizen, whose only interest in the case is to tell the truth, who is positive that he dined that day in the same room with them; he had particularly noticed Lesurques and also a silver or silver-gilt spur with a spring, which Lesurques showed to Guénot, and of the advantages of which he boasted. This spur was found on the very spot on which the murders were committed. Lesurques goes with his companions to Lieursaint, three witnesses swear to having seen him there and identify him, and the innkeeper at whose house they stopped at Lieursaint, swears that one of them mended his spur with some string; the spur of Lesurques, found on the scene of the crime and forming one of the exhibits in the case, has been mended with a piece of string. Another witness swears to having seen Couriol and Lesurques pass before his door at Lieursaint three times during the evening; it is an established fact in the case that Couriol and his companions stayed some time in Lieursaint; and it is certain that he had not passed the night in his own house. If Joseph Lesurques is asked where he spent the afternoon and evening of the 8th Floréal, he replies that he spent them in Paris, but there is no proof of this. He is arrested at the magistrate's office on the comparison of his description with that of the murderers of the courier of the mail, and on the positive testimony of two witnesses. Asked for his passport or identification paper, he has to confess that he has not got either, though he has been living nearly a year in Paris. There are found in his pockets two identification papers, one in the name of his cousin, André Lesurques, the other blank, but bearing the names

of the president and secretary of the section, so that it could be filled in at any moment by a person desiring to use it. Asked how he comes to be in possession of these documents, he answers that the first one, his cousin's, was in his pocket by accident, and that the second, which by the way is in a very good state of preservation, is merely a scrap of paper which happened to be among some old papers bought by his cousin. If to all this be added the facts that since the commission of the crime he has frequently seen Guénot, Richard, Couriol, and Bruer; that he has seen them all the time until their departure for Château-Thierry; that since their return from there he has never left Guénot; and lastly that he is living in Paris at considerable expense and beyond his means, such as they are known to have been at Douai, his native town, where he alleges that he had made a fortune by buying and selling national property since the revolution; considering all these facts there can be no doubt that he is one of the murderers of the courier of the mail and the postilion Audebert, or at least an accomplice of the murderers, sharing with them in the fruits of the crime.'

A further description of Lesurques is given at the end of the Act of Accusation:—

'Joseph Lesurques, sergeant in the Auvergne regiment in 1790, claims to have made, by buying and selling national property, a considerable fortune, which he estimates as bringing in an annual income of 10,000 livres in specie, but his claim is refuted by the authorities of his native town, who say that he has made a fortune sufficient to live comfortably whilst working, and for the rest describe him as a man of no character and very extravagant. Joseph Lesurques is found at Paris without legal status, and his situation

is so dubious that he has neither passport nor identification paper, and therefore cannot claim to be a citizen of Douai or Paris.'

In many respects this Act of Accusation is unfair in its presentation of the case against Lesurques. The spur found on the scene of the crime is assumed to have been his, but there was no evidence to prove it; Lesurques said that he had not used a spur for a year, and that his own were old and without springs. It is said that ' there was no proof ' of the alibi set up by Lesurques, whereas he had sixteen witnesses ready to come forward and support it. He is described as having been frequently in the company of Couriol; but Lesurques said that he had met him only on one occasion, at breakfast at the house of Richard, where his friend Guénot was then lodging, nor was there any evidence to contradict this statement. His financial position is misrepresented. Lesurques' fortune after his death amounted to 185,000 francs. His character is traduced. Twenty-one respectable inhabitants of Douai, including two commissaries of police, had signed a document stating that they knew nothing against the moral or political character of Lesurques, but on the contrary, knew him to be an honest man above all suspicion. An official report on his character, coming from Douai, described him as honest and capable, very sociable and generous to a fault, and possessed of a substantial fortune; the only qualification to this otherwise satisfactory character was a tendency on the part of Lesurques to familiar association with actresses, to enjoying parties on horseback, and to a certain extravagance, which might one day compromise his fortune. In the Act of Accusation, the favourable features in the character of Lesurques are entirely suppressed, and the unfavourable given exaggerated prominence.

On the strength of this indictment, the Jury of Accusation sent all the accused for trial before the criminal court of Melun, but the prisoners, availing themselves of a right of choice, elected to be tried before that of Paris. Impatient of delay, Guénot and Lesurques petitioned the Minister of Justice, Merlin of Douai, that the trial of the case might be expedited. They pointed out that for three months they had suffered the horror of imprisonment under the weight of an atrocious accusation. Strong in their innocence, they had sought the fullest investigation, but their prayers had not been heeded. Though ten days had elapsed since they had been sent for trial, they complained that they had received no notification of the fact which, according to law, they should have received within twenty-four hours of the decision of the jury. 'In this situation' wrote the petitioners, 'from their prison cell they address you as head of the administration of justice, and though they might ask for your consideration as fellow-citizens, it is not a favour they seek, but a right. The hour of their trial, or rather the moment when their innocence will be acknowledged and declared, cannot without injustice be further delayed.'

The trial was fixed to take place on August 2nd. During their detention, Lesurques and Guénot had held themselves studiously aloof from their fellow-prisoners. A royalist officer, detained as a prisoner in the Conciergerie, relates how he got to know Lesurques by the visits paid him daily by his wife and little children. On the first day of the trial, he describes how Lesurques, as he passed through the prison on his way to the court, knelt down and clasping his hands together exclaimed, 'God! thou knowest my innocence; I hope that thou wilt make it known!'

The presiding judge at the trial of Lesurques was Jerome Gohier, formerly an advocate, a staunch and

unbending supporter of the revolution. He afterwards became a member of the Directory and was one of the few who, during the *coup d'état* of Brumaire, had the courage to stand up to Bonaparte. Severe, uncompromising and honest in his principles, he was not a man of the world and, as the trial of Lesurques showed, lacked altogether the judicial temperament. It would have been more fortunate for Lesurques had he been tried before Laurent, the colleague of Gohier in the criminal court, conspicuous as a judge for his fairness and impartiality. Lesurques was defended by one Guinier. The order of advocates had been suppressed during the revolution, but prisoners were allowed an 'official defender.' Guinier, who represented Lesurques in that capacity, had not been an advocate before the suppression of the order, nor did he become one when, eight years later, it was restored to its privileges.

There is no full report of the trial of Lesurques; only certain incidents are described which stand out clearly as affecting the result. The first day of the hearing was taken up with the evidence of identification, and, except for the fact that the woman Grossetête was unable to come to the court, that evidence remained as serious as ever against Lesurques. His great hope lay in being able to prove his alibi. It was on the second day of the trial that the witnesses for the defence were heard. The first of these, called on behalf of Lesurques, was his friend, the jeweller Legrand. He said that Lesurques had spent the morning of the 8th Floréal in his shop, and that they had been there together from about half-past nine in the morning until between half-past one and two in the afternoon. Asked by the judge how he was able to fix so precisely this particular day, he said that he recollected that on the same day he had sold some ear-rings and a silver spoon to a fellow-jeweller of the

name of Aldenhoff, and that his day-book showed the transaction to have taken place on the 8th Floréal. The judge asked for the book. The defender of Lesurques handed it up to him. Gohier examined it closely and then exclaimed indignantly, that here was a clear attempt to deceive the court; the book showed that the original figure of the date of the entry had been a 9, and that this had been deliberately changed into an 8. Lesurques and his defender looked again at the book and were obliged to admit that the judge was right; the figure had been altered, though the fact had until then escaped their notice. The indignation of Gohier was extreme. On the application of the Public Prosecutor, the trembling Legrand was placed under arrest, and in these unfavourable circumstances the remaining witnesses for Lesurques were examined.

Hilaire Ledru, the painter, said that he had dined with Lesurques and his family during the afternoon of the 8th Floréal, and that in the evening, after dinner, they had walked on the boulevard. Aldenhoff, who had dined with Lesurques the same day, confirmed this evidence, as did one, Baudart, who had supped with Lesurques that night. Five workmen who had been engaged in papering the walls of Lesurques' new house, were ready to swear that Lesurques had given them a gratuity on the day of the 8th Floréal, but the judge scouted their evidence. The appearance in the box of the mistress of Lesurques, Eugénie Dargence, did not help his case. She said that she had seen Lesurques during the evening of the 8th Floréal, and that she could not be mistaken, because for some months she had been in the habit of seeing him every day. The judge made her admit that she did not know the names of the months which, in the revolutionary calendar, came before and after Floréal, nor how many days there were in the months. So rough was the

President's treatment of the witnesses for the defence, that one of them, sworn in the usual form to give his evidence 'without hatred' said to him, 'Yes, Citizen President, and what is more important, without fear, in spite of all that is being done here to intimidate the witnesses.' The day ended disastrously for Lesurques.

The next day he fared little better. Legrand, between two gendarmes, was brought before Gohier. Asked if he persisted in his original evidence, he replied: 'I withdraw my previous statement. It was founded on the false date in my book, of which falsification I only became aware after my first deposition. This book is always on my counter, and I can say positively that neither my wife nor I made the alteration. If I had noticed it, I should not have given the evidence I did. I was absolutely ignorant of it, and cannot think how the change came to be made. But I swear I did not make it. I did not make the alteration. I have simply been mistaken; who is responsible for it I don't know.' The judge asked him if some of the witnesses for the defence had not based their evidence on this book. Legrand answered that he knew that Ledru and Aldenhoff had relied on the date as given in the book, and he believed that Baudart had done the same. 'And no one had noticed the alteration?' asked the judge. 'No one,' replied Legrand. Then Gohier turned to Lesurques. 'What is your income?' he asked. 'Twelve to fifteen thousand francs,' replied Lesurques. The judge suggested that this income was in the comparatively worthless form of assignats, the paper-money of the Republic. 'No,' said Lesurques, 'in cash and rents.' Gohier turned to the jury. 'We are asked to believe,' he said, 'that crimes are committed only by the poor, but, if the lesser crimes are committed by the poor, the greater are the work of

the rich.' A more grossly unfair remark, coming from a judge, it is difficult to imagine. Gohier asked Lesurques if he had anything to say on the subject of the change of the date in Legrand's book. 'I ask the jury,' replied Lesurques, 'to consider as not given such evidence as has been based on the false date.' This request practically destroyed for Lesurques the value of his alibi.

Guénot had been more fortunate. He had found a police official, who swore that he had spent the night of the 8th Floréal at his house. Some stains on a sabre found in his possession were declared not to be blood.

The Public Prosecutor, in his speech to the jury, dwelt more particularly on the guilt of Lesurques, who, he said, was not only a thief and a murderer, but a forger and suborner of false evidence. Guinier, in his defence, urged that the alteration in the ledger was only an innocent mistake, and the fact that the original figure could be detected a proof that there had been no attempt at fraud. And so the third day of the trial closed. The next day Gohier was to sum up the case to the jury. Lesurques could hope for little from his judge.

At ten o'clock on August 5th, the President delivered his charge. It was markedly and unfairly hostile to all the prisoners, and more particularly to Lesurques, whom the judge seemed to regard with peculiar resentment as the greatest of all the criminals. The injustice, prejudice, and arrogance displayed by Gohier in his charges to juries had become a subject of public comment. An honest man by nature, where his personal opinion was concerned he was positive, self-satisfied, and dictatorial to a degree that unfitted him altogether to perform the functions of an impartial judge; his overweening confidence in himself was shown in his publishing, at the end of his life, a

volume of autobiography entitled: *Memoirs of an Irreproachable Veteran of the Revolution*. His treatment of the evidence of the workmen in Lesurques' house, who were prepared to support his alibi, was characteristic. The jury were undoubtedly impressed by their testimony, but no sooner had it been given than Gohier, by an insidious speech, did his utmost to destroy that impression in their minds. 'The inconsistencies,' wrote Guinier who defended Lesurques, 'of the President's observations to the jury were striking. He spoke last; he argued when he should have confined himself to a simple summing up of the case; and, as the hearing was ended after his charge, neither the prisoners nor their defenders had any opportunity of pointing out his mistakes. I believe the institution of the jury to be favourable to the accused; but I am none the less persuaded that it can bring about the condemnation of an innocent man, above all when the rules that should protect him are disregarded, when the judge, instead of being impartial, betrays obstinacy and prejudice, and when the accused is treated with a harshness which the law forbids, and proclaims him guilty before he has been convicted. The trial of this shocking case disgusts me; my heart stands still; I have to master my indignation.'

The jury retired at two o'clock in the afternoon and were out six hours. They cannot have found it easy to come to a decision in spite of the partial attitude of the judge. At eight o'clock they returned into court. They found Couriol, Lesurques, and Bernard guilty of actual participation in the attack on the mail, and the murder of the guard and postilion, Richard guilty of having received some of the proceeds of the crime, knowing them to have been stolen, and acquitted Guénot and Bruer. Lesurques, on hearing the verdict, said: 'Undoubtedly the crime of which I am accused is a terrible one and deserves death. But if it is a

dreadful thing to commit murder on the high road, it is no less dreadful for the law to strike an innocent man. The day will come when my innocence will be admitted, and on that day my blood will be on the heads of the jurymen who have thoughtlessly convicted me, and the judge who persuaded them.' Immediately after this, Couriol rose to his feet and exclaimed: 'Lesurques and Bernard are innocent; Bernard only lent the horses; Lesurques has had nothing to do with the crime.' Couriol, Lesurques, and Bernard were sentenced to death. As she heard her husband's sentence, Madame Lesurques with a loud cry fell fainting to the ground. Richard was sentenced to twenty-four years' imprisonment in irons. The royalist officer in the Conciergerie saw the prisoners as they left the court after their condemnation. He heard them protesting the innocence of Lesurques; 'the recollection of that unhappy man will never fade from my memory; I cannot think of it without a shudder.'

In one case at least, that of Couriol, the verdict of the jury was just. His guilt never could be, and never has been, doubted. Apart from the evidence of identification, the admissions of his mistress, his possession of part of the proceeds of the robbery, his bringing back the four horses the following morning, his failure to establish anything in the nature of an alibi, all these circumstances were sufficient to establish his guilt in the eyes of a jury. After the trial he admitted it.

How far were the jury justified in returning a verdict of guilty against Lesurques? He had been identified at the trial as one of the four horsemen, seen at Montgeron and Lieursaint on the day of the crime. Nine witnesses, six positively and three doubtfully, swore to the fact at the trial. If the four horsemen were the murderers, then he was identified as

one of them by a greater number of witnesses than those who had identified Couriol. There were discrepancies in the evidence of these witnesses against Lesurques, notably in the description of his dress. Three of them had with equal assurance identified Guénot whom the jury had acquitted. No doubt, skilful cross-examination would have considerably shaken the value of their evidence. But in the absence of that, it may well have left on the minds of the jury the impression that, of all the prisoners, Lesurques had been identified most decidedly as one of those seen in the neighbourhood of the crime on the afternoon and evening of the 8th Floréal. It was true that none of the proceeds of the crime had been traced to him, that there was no evidence that the mended spur found on the scene of the crime was his, that it was extremely improbable that, if he were a guilty man, he would in the first instance have accompanied Guénot to Daubanton's office, and that his financial position, which was never put fairly and fully before the jury, failed to suggest a plausible motive for the crime. At the same time the collapse of the most important part of his alibi could not fail to be very damaging to his case. It is difficult to understand the mystery of the altered entry in Legrand's book, nor has it ever been thoroughly elucidated. How came it that neither Legrand, nor the defender of Lesurques, nor any of those through whose hands the book passed, had noticed the alteration in the date? It was not detected until the book was handed to the judge. The very fact that the change of figure was unquestionable and obvious to the judge would seem to negative the suggestion of deliberate fraud. Every one seems to have lost his head as soon as the incident happened. On Gohier, the effect was to make him even more unfairly hostile to Lesurques than he had been before. Legrand himself was terrified. Guinier, who defended

Lesurques, would have been perfectly justified according to French practice in asking for a short adjournment, to give time for calmness to be restored and the sudden indignation against his client appeased, nor should he have allowed Lesurques to renounce altogether the evidence of Legrand because of what might well be considered an innocent mistake. But Guinier was not a practised advocate; otherwise he would have realised the danger of calling the mistress of Lesurques as a witness on his behalf. Badly defended, with a judge dead against him, this incident of the jeweller's book would have told far less seriously against Lesurques had his case been conducted by an experienced advocate and tried by a just judge. If the alteration in the book had in the first instance been made perfectly honestly by Legrand himself, he was apparently too terrified to admit it at the trial. The poor man was thoroughly frightened by the attitude of Gohier. He must have been a person of weak nerve; after the trial his share in the condemnation of Lesurques so preyed on his mind that he was shut up for a time in a madhouse.[1] His statement that the evidence of certain friends of Lesurques had been based on the entry in his book went far to discount the evidence of Hilaire Ledru and others, while the evidence of the workmen at Lesurques' house, which was quite independent of the incident of Legrand, was dismissed by the judge. Under these

[1] According to Guinier the attitude of Legrand at the trial had been different from that described in the report of the case. 'I do not know,' he writes, 'what Legrand may have said in his defence after he had been arrested on a charge of forgery. If contrary to the truth he has since stated that the entry in the book had been altered in his shop without his knowledge; if this has been suggested or has occurred to him as the only means of escaping from a criminal prosecution, it is none the less true, and I attest the truth of the fact, that at the trial he swore to the original date. He denied that any act of forgery had been committed, and said that, if there had been an alteration, it must have been at the time the entry was made, and persisted in the date of the 8th Floréal as being the date in question.

circumstances, considering the evidence of identification, the breakdown of his alibi, the weakness of his defence, and the partiality of Gohier, the verdict of the jury against Lesurques is intelligible, if not justifiable.

The conviction of the Jew, Bernard, as an actual participant in the crime is more difficult to understand. Only two witnesses, both of whom also identified Lesurques and Guénot, swore to Bernard as one of the four horsemen. The fact that he lent the horses ridden by the murderers, though afterwards admitted, was by no means established by reliable evidence. 'It is proved,' says the Act of Accusation, 'and he himself admits, that a short time before the crime he had lent Couriol a black horse; this very horse is described by a number of witnesses as being one of those ridden by the murderers of the courier, and the accused admits that on the 13th Floréal, four days after the crime, he disposed of it by sale. According to the description of horses at that time in Bernard's possession, everything points to the presumption that the black horse was not the only one which he lent for the purpose of the enterprise.' That Bernard knew Couriol well, and had financial dealings with him after the crime, was proved, but there was little enough proof that he was one of the murderers, and only suspicion to point to him as accomplice after the fact. Bernard, like Lesurques, was in a better financial position than the rest of the accused, and therefore less likely to be attracted by the motive of gain.

The intimacy of Richard with Couriol, the fact that he and his wife, in spite of their humble circumstances, were found in possession of money, silver, and jewellery, his aiding Couriol after the crime to obtain a passport, these circumstances lent colour to the supposition that Richard had profited by the crime.

It was by lodging in the house of this dubious person that Guénot had become involved in the case, and it was owing to his friendship with Guénot, that Lesurques had breakfasted on one occasion at Richard's house in the company of Couriol. Guénot had been acquitted by the jury owing no doubt to the satisfactory nature of his alibi; but four of the witnesses, who were positive in recognising Lesurques as one of the four horsemen, had been equally positive in recognising Guénot.

The philosophical Bruer took his acquittal with the same polite fatalism with which he had greeted his arrest. Three witnesses had identified him as one of the horsemen, but beyond a certain dog-like devotion to Couriol, there seems to have been nothing to connect him in any way with the crime.

The conviction of Lesurques had produced a certain feeling of uneasiness in the public mind. The want of fairness with which the case had been tried, the assertion by Couriol of Lesurques' innocence made men suspect the possibility of a grave judicial error. It was said that while the jury were out considering their verdict, Madeleine Bréban, the mistress of Couriol, had forced her way into the private room of President Gohier and told him that Couriol and four other men, who had not been arrested, were the real murderers, that Lesurques was innocent, and that the witnesses who had identified him had mistaken him for a man named Dubosc, one of the murderers, to whom he bore some resemblance. On the day following his condemnation, Couriol sent for a magistrate and reiterated his statement that Lesurques, Bernard, and Richard were innocent. The real criminals, he said, were Dubosc; a man named Vidal alias Lafleur, from Lyons; Roussi, an Italian; and one Laborde, whose real name was Durochat. On September 27th, Couriol sent a letter to the Directory.

Unable to write himself, he had dictated it to the clerk of the Bicêtre prison. It ran as follows:—

'CITIZEN DIRECTORS,—Am I then to add to my guilt that of a double murder? The absolutely true statements that I have made repeatedly since the day of my condemnation have failed hitherto to secure justice for two innocent men, who are the victims of an error. May I hope that at any rate you will avenge their deaths by giving peremptory orders to find the four persons whom I have described as my accomplices; in the interests of society you should do this. The girl Bréban, with whom I lived, knows them well and all the details of the crime. Before these unfortunate men, who are to be sacrificed so inhumanly, had been put on their trial, she told the Commissary at Melun that of the six people arrested, I alone was guilty, and only her inexcusable timidity prevented her from saying the same thing before the Court.

What further proofs do you ask of me, citizen Directors, to convince you of the melancholy truth of my statements? Consent to hear me, and I will give you all the information I can. In any event, the truth cannot fail to come out, and perhaps in only a little while you will acknowledge it. But then it will be too late; the innocent will have perished—yes, the innocent, I shall not cease to proclaim it to my last hour. I rely, citizen Directors, on your justice and humanity.'

On the strength of this letter a statement was taken from Madeleine Bréban. She said that before the day of the crime, Vidal and Roussi had come often to Couriol's lodgings, and Dubosc a few times, that Lesurques had never been there, and that she had only seen him once, at the house of Richard after the crime. She spoke of his likeness to Dubosc. She gave

a full description of Vidal, Roussi, and Dubosc, and described how, after the murder, Couriol had gone to Dubosc's lodging where she had brought him a change of clothes. Two witnesses spoke to similar statements made to them by the girl Bréban; and the man in whose house Vidal had lodged described three men who had frequently visited his lodger, not one of whom answered to the description of Lesurques.

On October 8th, the Court of Cassation rejected the appeal of Lesurques against the judgment of the Criminal Court. The execution was to take place on the 19th. The only hope now lay in an appeal to the Directory for a reprieve, in order that the statements of Couriol might be further investigated. On the day before that fixed for the execution of the condemned men, the Directory sent a message to the Council of Five Hundred, one of the legislative bodies under the new constitution, asking them to consider the case of Lesurques and, if they saw fit, delay the execution until the question of his alleged resemblance to one of the actual assassins could be more fully investigated. The Council agreed to a respite, and appointed a committee of three of their number to examine into the whole case. The same day Couriol addressed a second letter to the Minister of Justice which was communicated to the Committee of the Council:—

'The woman Bréban who has shared in the proceeds of the robbery, has made a statement similar to mine, saying that she did not know the citizen Lesurques; she has even gone so far as to name the real criminals; she knows them all, but she has not seen and does not know Lesurques. It is astonishing that you have not arrested the girl Bréban; she could have given you information and facts that would have cleared up this

case. It is the fact that I am the only one of the prisoners here in Bicêtre who took part in this crime; the others are innocent. I beg you in the name of justice and equity to arrest and examine this girl Bréban; she will tell you who are the real criminals. . . . She has said that the division of the booty took place at the lodging of Dubosc, who is still in Paris. The guilty men are at liberty in Paris, while the innocent are about to die on the scaffold. I do not pretend to be innocent myself, but by all that is most sacred, I swear that Lesurques is innocent, and Bernard and Richard also. Justice commands you imperatively to examine carefully my statement and take every step to see that justice is done to those who deserve it.

I affirm that I have never known Lesurques; I only saw him once in my life, and that by accident, at the house of the citizen Richard; he came in while I was there; this was on the 12th Floréal, year IV., at eleven in the morning. I never saw him again until I was in prison with him. My statements have never varied as to this fact, which is the whole truth and nothing but the truth.

Innocent men have been imprisoned because of their association with me, a reproach I cannot endure. Justice, good sense, duty, all these make it imperative that you should look closely into this case. I have told you of the girl Bréban; she will tell you what has become of the chief culprit, one Dubosc, who bears an extraordinary likeness to Lesurques; you cannot allow the perpetration of such a dreadful act of injustice.'

The life of Lesurques hung on the decision of the Committee of the Council; they gave six days to the consideration of the case. On October 26th they presented their report. It had been drawn up by a distinguished lawyer named Siméon, who afterwards

held a number of high legal appointments during the Empire and the Restoration. It was in no sense a close or reasoned review of the evidence and proceedings in the trial of Lesurques. To some extent, it was a defence of the system of trial by jury, introduced recently into French criminal procedure, with the working of which Siméon had himself been closely associated. 'In reviving the time-honoured institution of the jury,' said the report, 'the representatives of the people thought that they had done their utmost to ensure the discovery of the truth in criminal cases. But a recent case would seem to have belied the hope of our legislators. It may be that a cunning combination, a friendly conspiracy between a convict and his accomplices, has laid a trap for your sensibility; no matter; better convince ourselves that we have been deceived than refuse, from fear of such a thing, to seek the truth, and so expose ourselves after to regret. We shall account the 27th Vendémiaire as one of our happiest days, if it has been the occasion of saving the life of an innocent man.'

After setting forth the statements of Couriol, and those who had corroborated him, the reporter said:—

'Your committee asked themselves what value was to be attached to the more or less repeated statements of a convict in favour of his fellow-convicts. The answer is not difficult. Who is the condemned man who, for a sum of money, for his family or even from a motive of goodwill that would cost him nothing, would hesitate to try to save an accomplice, whose death could be of no service to him and would not prevent his own? Such a consideration might form the basis of a regular agreement between criminals; they would decide beforehand which of them, in the event of their conviction, was to be declared innocent.

Who is the condemned man, who, having exhausted all legitimate means of defence, would hesitate after his conviction to procure fresh witnesses, which he could do the more easily if he were rich, and if he had been concerned in a robbery such as this, the booty from which runs into seven million livres in notes, thirteen thousand in cash, and a large quantity of bills and orders? What difficulty would such a man have in reviving in the public mind those points in his favour which had been examined and rejected by the jury at his trial? '

The suggestion in this passage from Siméon's report that Lesurques and his friends had resorted to bribery to procure the statements of Couriol and others has been urged often by those who disbelieve in Lesurques' innocence. But no tittle of evidence has ever been produced to justify such a suggestion. It is assumed in the report that Lesurques was in possession of a part of the proceeds of the robbery, but no part of them had been traced to him. As, after his trial, the whole of his property had been confiscated by the State, his family can have had but little means at their disposal with which to buy evidence on his behalf.

Nor is it easy to see how Couriol, who had apparently no relations and had been thrown over by his mistress, could have profited by such a bribe. At most he could have hoped to delay his execution; mercy was not likely to be extended to him.

The reporter goes on to ask why Bernard and Richard, though declared by Couriol to be innocent, have not joined with Lesurques in appealing to the Directory. The question, though hardly relevant to that of the guilt or innocence of Lesurques, is interesting. The imperfect report of the trial makes it impossible to determine what was the real strength

of the cases against Bernard and Richard. If Bernard lent the horses used by the murderers, it is possible that he did not know the purpose for which they were to be used. If some of the stolen property had been traced to Richard, it did not prove him to have been an accomplice in the actual crime, nor even to have had a guilty knowledge of whence the property came. If Couriol had deceived both Bernard and Richard as to the criminal character of his enterprise, it is natural that he should have been anxious to proclaim their innocence along with that of Lesurques. The superior social position of Lesurques, and the great interest excited by his conviction, explain sufficiently why he was able successfully to petition the Directory, whilst Bernard and Richard, arousing little interest, were left to their fate.

Having dismissed the statements of the 'atrocious' Couriol as unworthy of reliance, the reporter dealt next with the case against Lesurques as presented at the trial. Accuracy was not an outstanding feature of his examination. He stated twice over that eighty witnesses had been examined on behalf of Lesurques, whereas sixteen was the correct number. He described Lesurques as 'rotating' around Daubanton's office; but there was no evidence of his having gone there except on the one occasion, at the invitation of Guénot. He emphasised the importance of the evidence of identification, and was duly severe on the attempted alibi. But no comment was made on the partial and indefensible attitude of the judge, nor on his uncompromising rejection of such evidence of the alibi as was independent of the entry in Legrand's book. Siméon held that Lesurques had been properly convicted, and that to interfere with the verdict of the jury in his case was to strike at the very foundations of justice, to secure impunity for the guilty, and deliver over society to the mercies of scoundrels, justice to

derision. 'The Council,' he contended, 'had no right to constitute themselves a court of appeal after a case had been tried by a jury and the Court of Cassation.' 'By setting yourselves up,' he concluded, 'as a court of equity, are you prepared to give every convict the right to appeal to your mercy, as formerly he appealed to that of the prince? Like him, you would find yourselves flattered and deceived, and, by substituting goodwill and sentiment for the forms of law, you would set up an arbitrary authority, which the passions of men would seize on as an excuse for even less justifiable innovations.'

The Council, after hearing Siméon's report, passed to the order of the day. The fate of Lesurques was sealed. During the following three days, desperate efforts were made by his defender, his family and friends, to avert his doom, but they were fruitless. The execution was fixed for October 30th.

Lesurques spent his last day on earth in settling his affairs, and bidding farewell to his wife and children, and those of his friends who had remained faithful to the end. In drawing up a list of his debts he mentioned a sum of eight louis due to citizen Legrand, 'who has contributed a little towards my murder; but I forgive him as I do all my murderers and executioners.' To his wife he wrote:—

'My Dearest,—When you read this letter, I shall have ceased to be. A cruel knife will have cut the thread of my days which should have been yours, and which I had been so happy to devote to you. But we cannot escape our fate. I am to die the victim of a judicial murder. I have endured my lot with the firmness and courage to be expected of me. May I hope that you will do the same? You will have more than one reason to support you. Your life is not yours alone; you owe it to your children and, if his memory be dear to you, to your husband. I have no other

hope. I bid you an everlasting farewell; rest assured that my last thought will be of you and my unhappy children.

'J. LESURQUES.'

Dressed in a suit of white, Lesurques went to the scaffold with Couriol and Bernard. On the way to the scaffold, Couriol pointed repeatedly to Lesurques and shouted to the crowd, 'I am guilty, but Lesurques is innocent, Lesurques is innocent!'

The night before his execution, Lesurques had written a letter, which he asked to be inserted in the newspapers. It was addressed to Dubosc, the man whose likeness to himself was, according to the statements of Couriol and his mistress, the cause of his death:—

'You in whose place I am to die, rest satisfied with the sacrifice of my life. If ever you are brought to justice, think of my three children covered with shame and their mother's despair, and put an end to the many miseries caused by our fatal resemblance.'

II

DUBOSC

Nine days after Lesurques had met his death, Siméon, the reporter to the Council, received a letter from a lawyer at Besançon. The writer described how, some two years before, he had acted for a merchant who had been robbed in an inn at Besançon, of a large sum of money. He had succeeded in finding the criminal, and procuring his arrest. The robber had been sent to Lyons to be tried, but on the day before

that fixed for his trial, had escaped from prison. He had been sentenced in his absence to fourteen years' imprisonment, and it appeared that he had already received a similar sentence from the Paris Criminal Court. This daring robber, said the writer of the letter, was no other than Dubosc:—

'This Dubosc had chestnut-coloured hair and wore a blond wig. His hair was smooth in front and worn long behind. I found a black wig in his trunk. He was in the habit of changing his wigs as a means of disguise. He was wanted for a variety of thefts and robberies; he was an artist in crime, and since his arrest, whenever I have heard of any great crime, whether at Lyons or Paris, I have always believed him to be the author. When I read your report in the *Moniteur*, I at once recognised the description of this Dubosc.'

The lawyer described Dubosc as capable of any crime; since his escape the ruffian had written him violent and threatening letters. 'You will find this letter rather careless in arrangement,' he concludes, 'but I am writing under the stress of the emotion caused by reading your report and the sudden recollection of Dubosc. The fate of Lesurques has moved me to tears. What a victim of human error! But do all you can to rehabilitate his memory. It is the only poor consolation left to his family.'

Siméon took no notice of this letter. It was not until 1832 that it was found among the archives of the Ministry of the Interior. But it serves to usher in the appearance on the scene of the arch-criminal, who had been the head and front of the robbery and murders for which Lesurques had suffered, and was alleged to bear so strong a resemblance to him as to have caused the various witnesses to identify Lesurques

as present at Montgeron and Lieursaint on the day of the crime. Dubosc was thirty years of age, a blond, fresh-complexioned, gray-eyed, well set-up fellow, from his youth devoted to crime. Before the Revolution, he had been condemned to the galleys for life for robbing the Archbishop of Besançon, in whose service he had been apprenticed as a cook. Soon after his sentence he contrived to make his escape. After the Revolution he received three other sentences of imprisonment for various acts of robbery, and, with a skill and daring worthy of Jack Sheppard, on each occasion avoided his punishment by breaking out of prison. After the affair of the Lyons mail, Dubosc lay low in the neighbourhood of Paris with his mistress, an ugly, long-faced, pock-marked woman, who, like her lover, was in the habit of wearing a blond wig. Dubosc had the audacity to attend the trial of Lesurques and witness the condemnation of an innocent man for a crime which he had himself committed, as in later years his worthy compeer, Charles Peace, had been present when William Habron was sentenced to death at Manchester for the murder of Constable Cock. Learning of the efforts that were being made by Daubanton and the family of Lesurques to track him down, Dubosc made a determined attempt to break into the house of the widow of Lesurques and wreak vengeance on her for her endeavours to vindicate her husband's memory. Such was the answer of this truculent ruffian to the letter, in which Lesurques had appealed to him to rest content with the sacrifice of his life, and spare his wife and children further misery.

The family of Lesurques had found an unexpected and ardent supporter in Daubanton, the magistrate in whose office Lesurques had been arrested. Daubanton had come to believe that the unfortunate man, whom he had had sent for trial for murder, was

innocent, and that the statements of Couriol were substantially true. He made it henceforth his business to find and bring to justice the four men whom Couriol had described as his accomplices. In spite of the threats of Dubosc he persisted in his determination.

The first of the criminals on whom he succeeded in laying hands was Durochat, who, under the name of Laborde, and with a passport procured by Dubosc, had travelled as the solitary passenger in the mail. In March 1797, Daubanton found this Durochat serving in Paris a sentence of imprisonment for theft. A hatter by trade, Durochat had become an habitual criminal; but he was not of the stuff of which great criminals are made. The disorders of the Revolution had tempted him from the path of honest employment, and, from weakness of character more than innate villainy, he had drifted into association with undesirable persons. Identified as the passenger in the mail-coach by those who had been present when it left Paris, and at the first change of horses on its journey, haunted in his dreams by the recollection of the crime, Durochat determined to make a clean breast of his guilt. According to his statements it was Dubosc who had first proposed the enterprise to him. Couriol, Vidal, and Roussi were their confederates. At first there had been no intention of killing the guard and postilion, but a certain liveliness of temperament on the part of Roussi, the Italian, had led to the catastrophe. Durochat said that he had heard that a man named Lesurques had been convicted as one of the assassins; but he had never at any time seen nor heard of such a man; those he had named were the only participators in the crime. The spur found on the scene of the murders belonged, he said, to Dubosc. The day after the crime, Dubosc had told him that he had lost a spur, which had been broken and mended during the ride to Lieursaint, and that

he had thrown away its fellow in the closet of his lodging in Paris.

At the time that Durochat made his confession, it so happened that Dubosc and Vidal had fallen into the clutches of the law. Dubosc had been arrested for a petty theft in the department of the Allier, whither he had fled from Paris. Vidal was awaiting trial for other offences in the Sainte Pelagie prison. Confronted with Durochat, Vidal denied all knowledge of him, or participation in the affair of the Lyons mail. Vidal was a dark-haired man, with a pluffy, pock-marked face, shifty gray eyes and black whiskers. He was a native of Lyons, and had been sentenced, two years before the affair of the mail, to twenty-four years' imprisonment and six hours in the pillory for robbery with aggravated violence. He had escaped from prison, and with Dubosc, had, according to the treatments of Durochat, played a leading part in the organisation of the attack on the mail. But at the trial of Durochat, which took place before the Versailles Criminal Court on April 7th, 1797, Vidal stoutly denied all knowledge of his accuser. Durochat was convicted of murder and sentenced to death.

After his condemnation, Durochat was sent to Melun to be confronted with Dubosc. The two men were allowed to travel in the same carriage. When they arrived at their destination, Durochat, while persisting in his accusation of Vidal, said that he could not recognise Dubosc, that it must have been another Dubosc who had been his accomplice. This sudden recantation was merely a striking tribute to the dominating personality of Dubosc. On July 12th, the day of his execution, Durochat made a final declaration to the commissary of police. 'In a trembling voice and with every mark of genuine sincerity,' he said:—

'I want to speak a last word from no motive of hatred or revenge. We were only five concerned in the crime: Vidal and Dubosc who went with me to Melun, and are now in prison there, Couriol and Roussi, the one already executed, the other now in Milan, and I, Durochat. Lesurques and Bernard died innocent. Bernard only lent the horses, he did not know their destination and took no part in the crime. If I refused to recognise Dubosc at Melun, it was because I had no money and Dubosc told me through Barthelet, the jailer at Melun, that if I would say I could not identify him, he would give me as much money as I wanted. I then said that I could not identify Dubosc, and he sent me all the money I needed; Barthelet brought it to me on different occasions. This is the absolute truth.'

Dubosc and Vidal were determined not to face their trial if they could avoid it. As practised prison-breakers—a comparatively easy accomplishment in the lax state of discipline in the French prisons of that day—they had little difficulty in effecting their purpose. At the first attempt Vidal got away, but Dubosc fell and broke his leg. A few months later, with the help of some of the other prisoners, Dubosc, to the surprise of his warders, succeeded also in regaining his freedom.

In April 1798, Vidal was retaken, and on the 9th of September brought to trial at Versailles. A certain number of the witnesses from Lieursaint and Montgeron, who had sworn at the trial of Lesurques to the identity of the four horsemen on the 8th Floréal, recognised Vidal as one of them, and some of them stated that they had mistaken Guénot for him; both Guénot and Vidal are described as having their faces marked with smallpox. The positive statements of Durochat, the inability of the prisoner to establish a

satisfactory alibi, the evidence of the man in whose house he had lodged at the time of the robbery, and the obvious untruthfulness of his attempts to controvert convinced the jury of the guilt of Vidal. He was convicted of murder, sentenced to death and executed without making any confession or statement in regard to the crime.

Of the five persons alleged to have participated in the robbery of the Lyons mail, four had now been executed. According to the statements of Couriol and Durochat, one of these, Lesurques, was innocent, and Dubosc and the Italian, Roussi, were the two other criminals who had yet to be brought to justice. But at the trial of Vidal a new aspect had been given to the case, unfavourable, as it turned out, to the full establishment of the innocence of Lesurques. The witness Gillet, a keeper of cows at Lieursaint, said that on the evening of the 8th Floréal, the date of the crime, he had seen five horsemen, in two parties of three and two, pass in front of his house. Two years before at the trial of Lesurques he had mentioned only a party of three horsemen, of whom he said Lesurques was one, but at that time had said nothing of the two other horsemen, whom he now described as having followed the first party. If this statement were true, and these five men all members of the same gang, then six persons altogether had taken part in the crime, but it is at least singular that the witness should have taken two years to recall to his recollection this second party of horsemen. Two witnesses at the trial of Lesurques, Champault and his wife, had sworn to a party of four horsemen coming to their inn at Lieursaint and partaking of a meal, and had described how one of them, Couriol, had come back to fetch his sabre and give his horse some corn. Between the visit of the four and the return of Couriol, the couple said that two other horsemen had stopped

half an hour at their inn to refresh themselves. In answer to a question of the innkeeper they said that they had nothing to do with the party which had just left, and asked the innkeeper, if he had heard of a recent attempted murder in the neighbourhood. If these two horsemen were accomplices in the crime, it would bring the number of the assassins up to seven, but, while the horses ridden by Durochat and four others, after the crime, had been traced, no trace had been found of those ridden by the other two. Thus the only evidence suggesting that more than four horsemen comprised the party of the murderers who passed through Lieursaint on the 8th Floréal, is that of a witness who for two years had kept silent as to the fact, and that of the innkeeper, Champault, and his wife, to whom the two horsemen had denied having any knowledge of the party which had preceded them on the road. It will be seen, however, that when the number of those convicted of actual participation in the crime had swelled to six, this evidence was used as an argument to justify the inclusion among them of Lesurques.

Though living in Paris all the time with his plain but faithful mistress, Claudine Barrière, it was two years before Dubosc was re-arrested. During that period, the impudent ruffian had written to the medical officer of the Versailles prison, from which he had escaped, giving him particulars of the gradual recovery of the use of his broken leg: 'After a month or two of clandestine exercise in my chamber, I am now able to walk about town without the help of a stick. No doubt with quiet and rest I shall soon make a complete recovery, thanking Heaven for having placed me in your hands, and making gratitude towards you the first of duties. The invaluable man, whose art can preserve to us the use of the most precious of our limbs, in my opinion does a far greater service than

our fathers who beget us in obedience to an instinct and method common to all animals.' The letter is dated from Paris. There, but for an anonymous betrayer, Dubosc and his mistress might have continued to live in immunity. On August 31st, 1800, a commissary of police, acting on information received, visited a house in the Rue d'Hauteville, where he found the mistress of Dubosc. She refused loyally to give any clue to her lover's whereabouts, but the next day Dubosc himself was arrested in a street close by and, bound hand and foot, taken to Versailles.

It was not until the following November that the preliminary inquiry into his case was completed. It had resolved itself as much into a question of the innocence of Lesurques as the guilt of Dubosc. Those witnesses who, four years before, had sworn to the identity of Lesurques, were now asked to say if they could recognise Dubosc as the man for whom they had mistaken him. Some of them had admitted already that they had mistaken Guénot for Vidal, and it was now suggested to them that they had made a similar error in regard to Lesurques. The two women, who had first in Daubanton's office pointed out Lesurques and Guénot as two of the horsemen, whom they had seen at Montgeron and Lieursaint on the 8th Floréal, said now that they could not identify Dubosc as one of them. One witness said that Dubosc bore some slight resemblance to Lesurques but that in certain respects, the shape of the nose, the fullness of the face and the colour of the hair, he differed from him; another that she could not recognise Dubosc as one of the two fair-haired men among the four who had taken coffee at her inn. The woman Alfroy said that Dubosc bore some resemblance to Lesurques, but was smaller in build, less pale in complexion, and fairer-haired; she could not swear to him as one of the four horsemen. She had heard, she

said, that Dubosc was wearing a blonde wig on the day of the crime; if that were so, she would want to see Dubosc in a blonde wig. Gillet, the cow-keeper, could not identify Dubosc; he found him also smaller and not so fair-haired as Lesurques. For the same reasons, neither Champault nor his wife could recognise Dubosc as the man to whom they had given the string to mend his spur. Another witness, Perrault, who had dined at the inn at Montgeron with three of the horsemen, said that he could not identify Dubosc as one of them, that the colour of his hair, his complexion and features were quite different from those of Lesurques.

The evidence of these witnesses was disappointing to those who had expected to find, in the likeness between Lesurques and Dubosc, a conclusive proof of the former's innocence. It was said that the witnesses were terrified by the dire reputation and threatening demeanour of the redoubtable Dubosc, and that they had been told that, if they admitted that they had been mistaken in their original evidence, they would lay themselves open to an action for damages on the part of the family of Lesurques. There were now two parties in the case, the party of authority which, respecting the 'chose jugée,' looked with no favour on the attempts to upset the verdict of the Paris jury, and that of the adherents of the Lesurques family, headed by Daubanton, who were prepared to strain every effort to prove to the world the innocence of an unhappy victim of injustice. The zeal of Daubanton was indiscreet in the extreme; he had gone so far as to take away and destroy the day-book of Legrand, the jeweller, which had played so fatal a part in the conviction of Lesurques. But, whatever the influences to which these witnesses to identity may have been subjected, no great reliance is to be placed on their testimony given anew four years after

the occurrence. Some of them had been proved to have been in error in their identification of Guénot; their evidence against Lesurques had never been very conclusive in character; evidence of identity has only too often been proved in the highest degree fallacious and deceptive. When it becomes a question of the identification of four persons, seen for a short space of time by untrained observers, it is obvious that such evidence can only be received with the greatest caution, and would have to be subjected to the strictest cross-examination before it could be accepted as conclusive testimony against an accused person.

The other evidence against Dubosc was directed to prove his association with Couriol and the three men, whom the latter had named as his accomplices in the crime. A servant of the Jew, Bernard, described how Couriol, Vidal, Roussi, and Dubosc had come to his master's house on the 8th Floréal and taken away four horses, which he found next morning breathless and exhausted in the stable. A jailer and three inmates of the prison at Versailles deposed to the frequent communications that had taken place between Dubosc and Durochat, while they were lodged there together. Richard, called at his own request, came from prison to describe how at a breakfast given by Couriol on the 13th Floréal, five days after the robbery of the mail, he heard Couriol, Dubosc, Vidal, Roussi, and Durochat disputing about a division of property, which had taken place recently at Dubosc's lodging. Madeleine Bréban, who since the death of Couriol had married a provincial executioner, said that she had frequently seen Vidal and Dubosc come to Couriol's lodgings, and that on the 9th Floréal she had taken a change of clothes to Couriol, who was hiding in the rooms inhabited by Dubosc and his mistress. The clothes-merchant in whose house Dubosc and Claudine Barrière had lodged

at the time of the robbery of the mail, described how, about eight days after the 8th Floréal, they had suddenly disappeared, and how after their departure he had discovered a large hole made in the floor which contained a quantity of ashes. At the lodging inhabited by Dubosc and his mistress at the time of their arrest, there were found a large number of keys and burglarious implements.

Such was briefly the case against Dubosc. He replied to it by letters written from prison and a memorial which, before his trial, he addressed to his defender. He denied all knowledge of the persons with whom it was to the interest of the partisans of Lesurques to associate him, accusing Daubanton and the family of Lesurques of wholesale corruption. He asked why Bernard's servant had not come forward before. He pointed out that, while honest witnesses refused to identify him as one of the murderers, the prosecution had to rely on the evidence of jail-birds to prove his association with Durochat, Couriol, and the others. Madeleine Bréban, he said, had been plied with drink by Daubanton in order to prime her up to give her evidence. He likened himself to the victims of the false conspiracies in the prisons, organised by Robespierre, but averred that his conscience was clear; it was disgrace, not the scaffold that he feared. The keys and implements found at his lodging he justified on grounds of pure patriotism. He had designed to go over to England, and there break into and blow up the magazines and arsenals of the hated enemy. He represented himself as 'the victim of an accursed cabal,' which since the death of Lesurques had plotted his ruin.

His trial took place at Versailles on December 19th, 1800, and lasted four days. It is not fully reported. It excited great interest in Paris. The question of the guilt or innocence of Lesurques had taken hold

of the popular imagination; many hoped that the trial of Dubosc would result in the complete demonstration of the innocence of Lesurques. In that they were disappointed. Though a blonde wig was put on the head of Dubosc and his whiskers cut, though a bust and miniature of Lesurques were shown to the witnesses to identity, they would not go further than admit that in certain respects there was a likeness between Dubosc and Lesurques; they were not prepared to say that they had mistaken the one man for the other. On only one of them, the woman Alfroy, had the blonde wig a decisive effect. As soon as she saw Dubosc wearing it and compared him with the picture of Lesurques, she became troubled. Asked if she recognised Dubosc she said, 'Before the Paris court I identified Lesurques, but—but my conscience compels me to admit that I have been mistaken. I firmly believe that it was not Lesurques but Dubosc I saw on that occasion. Yes—I recognise him—I recognised him at Pontoise—I told the Director of the jury there.' The President asked the witness whether she had recognised Dubosc earlier in the trial, before he had put on the blonde wig. She said that she had. 'Then why,' asked the President, 'didn't you say so when you were called yesterday?' 'I didn't dare,' replied the witness. 'I need not point out to you,' said the judge, 'the seriousness of your statement. You must understand its importance. Think how irreparable may be its consequences. Probe your conscience to its depths. The moment is grave.' After a long pause, the woman answered, 'I adhere to my last statement.' Dubosc, who till then had listened unmoved, broke out, 'She is lying! This woman is lying. If she lied yesterday and lied at Pontoise four years ago, why shouldn't she be lying to-day? How do we know some one hasn't approached her since yesterday? She stayed at Versailles last night,

and the friends of Lesurques have been hanging about the town in order to stifle the truth. If she hasn't lied, then all the others have, and why? I am a prisoner, they have nothing to fear from me. I am ruined, they can expect nothing from me. Why then should they lie? That woman is a liar! I hate her!'

The dramatic admission of the woman Alfroy did not serve with the jury to negative the evidence of the rest of the witnesses. After deliberating for two hours and a quarter, they found Dubosc not guilty of the murders of the guard and postilion of the mail, nor of participation in the actual robbery, but guilty of having artfully and with premeditation aided and assisted the perpetrators of the crime.

Dubosc was condemned to death and executed on February 23rd, 1801. He went to the scaffold without making any confession of guilt. His mistress, who had been tried with him, was convicted of having criminally concealed some of the stolen property, and sentenced to twenty-four years' imprisonment.

The conviction of Dubosc had failed to exonerate Lesurques. According to the verdicts of the juries, who had tried the various cases, Lesurques, Couriol, Vidal, and Bernard were the four horsemen sworn to by the witnesses to identity. If there had been a fifth, he must have been Roussi, the Italian, who had been named by Couriol as one of the assassins. More than two years after the execution of Dubosc this man was discovered by the French police serving a sentence of imprisonment in Spain. His extradition was obtained, and he was brought to Versailles. Roussi, who gave his real name as Louis Béroldy, was an habitual criminal. Tall, handsome, with fine eyes and elegant whiskers, dressed in the height of fashion, Roussi was a cunning, cat-like, scurvy rascal of plausible address and insinuating manners. Born in Italy, he had lost his father, burnt

alive as a poisoner, just before the Revolution. He had then come to Paris, where he had been arrested on charges of murder and theft, but had succeeded in escaping from prison shortly before the affair of the Lyons mail. After the crime, he returned to Italy, and from there went to Spain where he continued his nefarious career. After committing a number of robberies in Madrid, he transferred his activities to Saragossa. Convicted of theft, he was sent back to Madrid. It was while in prison there that he was traced by the French authorities.

Confronted with Madeleine Bréban and the servant of Bernard, he was identified by both of them as the companion of Couriol and his accomplices. After a trial at which forty-eight witnesses were heard, Roussi was convicted as one of the murderers of the guard and postilion of the Lyons mail and sentenced to death. He was executed on June 30th, 1804. On the morning of his execution, Roussi was taken to the court at Versailles and questioned by the Procureur-Général. Asked if he had anything to say that might be of service to the cause of justice, he replied that he had not. 'Did you know one Lesurques?' he was asked. 'No.' 'You understand,' said the Procureur-Général, 'how important your statement must be to the family of Lesurques, if he were innocent, and to justice if she has convicted an innocent man?' Roussi answered, 'I can only repeat my statement, that I do not know and never have known Lesurques, and that I am innocent.' The authenticity of a written and signed declaration of the innocence of Lesurques, which Roussi left with the priest who attended him on the scaffold, has been questioned, but the objections to its validity do not apply to the statement made to the Procureur-Général, which confirms those of Couriol and Durochat as to the innocence of Lesurques. Though negative in

its force, it is a significant fact that not one of those convicted of participation in the crime ever made any statement to the effect that they had known Lesurques, nor is there apparent any very good reason why, if Lesurques had been their accomplice, Couriol, Durochat, and Roussi should up to the last have shielded him by telling an untruth.

Seven persons had now been convicted and executed for the affair of the Lyons mail, Lesurques, Couriol, Bernard, Durochat, Vidal, and Roussi as actual perpetrators of the robbery and murders, Dubosc as having aided and abetted them. If these convictions were just, five horsemen had been on the road to Lieursaint on the 8th Floréal, Lesurques, Couriol, Bernard, Vidal, and Roussi; Durochat had travelled in the mail; and Dubosc had remained in Paris assisting in the preparation of the crime. It is to be noted that the evidence of the presence of a fifth horseman as one of the party of the assassins at Lieursaint is slight; all the witnesses at the first trial, with two exceptions, spoke to one party of four horsemen, and not till two years later did one of them add a fifth to the number. Some of these witnesses had identified two men, Guénot and Bruer, whom the jury had acquitted, as being among the four horsemen; there seems little doubt that some of them had mistaken Guénot for Vidal. Only two witnesses had identified Bernard, and it is practically admitted that if he had participated at all in the crime, it had only been to the extent of lending the horses. In that case the number of horsemen is reduced to four; Couriol, Vidal, Roussi, and Lesurques or Dubosc. Couriol, Roussi, Vidal, and Dubosc were all provedly habitual criminals of the worst kind. There was nothing criminal whatever in the career of Lesurques; his sudden association in crime with ruffians of this stamp is on the face of it highly improbable. That there was a

likeness between Lesurques and Dubosc is indisputable, though four years after the event it was not striking enough to convince the witnesses to identity, with one exception, that they had mistaken the one man for the other. No evidence is perhaps so liable to error as that to identity; the instances in which it has supported, in the most affirmative fashion, an identity which has been shown subsequently to be false, are startling in character. If probability be considered, it is improbable that a man of the character, means, and social position of Lesurques should be found taking part with habitual criminals in a brutal crime. It is equally improbable that a thoroughgoing criminal such as Dubosc, who was undoubtedly the leading spirit in the enterprise, should not himself have taken part in the actual perpetration of the crime, but merely contented himself with aiding and abetting it from a distance. No share in the proceeds of the robbery was traced to Lesurques, nor the spur found on the scene of the murders. It was through his friendship with Guénot, who was acquitted by the jury, that Lesurques had on one occasion breakfasted in company with Couriol at the house of Richard; it is incorrect to speak of him as one witness does, as 'frequenting' the society of Richard and Couriol. The collapse of the evidence of the jeweller's day-book as a proof of an alibi in favour of Lesurques did not affect the evidences of the other witnesses to the alibi, who were scouted by the judge. The statements of Couriol exculpating Lesurques, commencing from the moment of his conviction and repeated on the scaffold when all hope of saving his life was gone, may have been inaccurate in his over-anxiety to save Bernard and Richard whom he had involved in the crime of murder, but the fact that Durochat and Roussi described Lesurques as unknown to them is strong confirmation of the truth of Couriol's reiterated

assertion of Lesurques' innocence, for which it is difficult to suggest a selfish motive. Of all the guilty men, Durochat would appear to have been the least criminal and abandoned in character, and his statement is explicit. The fact that certain witnesses who could have testified to the innocence of Lesurques and the guilt of the real culprits, did not come forward until after the trial is hardly to be wondered at; the treatment of witnesses, as exemplified in the behaviour of President Gohier, was sufficient to deter any man from offering testimony which did not coincide with the case for the prosecution. The accusation that witnesses were bribed by the partisans of Lesurques, though often made, has never been proved; the family of Lesurques had been reduced to penury by the confiscation of his fortune. The indiscreet zeal of Daubanton was prejudicial at times to the interests of the cause he had so warmly espoused, but there seems little ground for suggesting that he was actuated by any other motive than a desire to right a wrong, in the commission in which he had shared. The conduct of the judge, Gohier, at the first trial was little short of scandalous, bad enough to vitiate any proceedings, but in none of the reports made subsequently on the question of a revision of the judgment is his conduct stigmatised in appropriate terms. His attitude towards Lesurques was indefensible in a judge, and must have gone a long way to bring about the unfavourable verdict of the jury.

It is unnecessary to follow the efforts of the family of Lesurques to obtain a reversal of his judgment. They were continued over a period of more than sixty years. Reports, pleas, petitions were drawn up, some for and some against revision. The lawyers by a majority were opposed to it. The restitution to the family of Lesurques of the money confiscated by the State at the time of his conviction, may be regarded

as a tacit acknowledgment that the sentence was not just. But the law refused to the last to declare Lesurques an innocent man. In 1868 the Court of Cassation, in a final judgment, held that the convictions of Lesurques and Dubosc were not irreconcilable. They said that, no witness having been present at the perpetration of the crime, it was impossible to say with any certainty how many persons had taken part in it; that it was possible that the four horsemen after leaving Lieursaint, had been joined by others who, after helping in the robbery and murders, had again separated from them; that it was impossible to say positively that Dubosc had actually participated in the attack on the mail, that he had not been concerned rather in the preparation than the perpetration of the crime.

It is of course impossible to speak positively as to what happened in the attack on the Lyons mail, or how many persons actually took part in it. But I venture to think that, taking all the circumstances into consideration, there is a very strong probability, amounting almost to a moral certainty, that the four horsemen seen at Montgeron and Lieursaint by a number of witnesses were Dubosc, Couriol, Vidal, and Roussi, that Durochat travelled in the mail, and that these five persons, all habitual criminals, plundered the mail and murdered the guard and postilion. The suggestion that more than these five took part in the crime seems a belated one, developed and encouraged by the lawyers after the conviction of Lesurques to justify their unwillingness to interfere with the 'chose jugée.'

The wife of Lesurques died heart-broken at the failure of her attempts to vindicate her husband's memory. His only son was lost serving as a soldier in Napoleon's Russian campaign. His daughters fought strenuously for many years for the establishment

of their father's innocence and the recovery of his property. In the latter purpose they succeeded, in the former they failed. And so they and their descendants pass out of history.

The hand of Fate fell heavily enough on this once happy and prosperous family. They would seem in no way to have deserved their misfortune; they must have been guilty indeed to have merited so fearful a punishment. The fatal circumstances that brought Lesurques finally to the scaffold are clearly to be traced. His friendship with his fellow-townsman, Guénot, his presence at what M. Mæterlinck has well described as the 'Thyestes feast' at Richard's house, where he is a fellow-guest with Couriol, his accidental meeting with Guénot in the street on May 11th, and his reluctant consent to accompany him to the magistrate's office, these steps seem to lead Lesurques, as by some implacable law of destiny, into the presence of the two witnesses from Lieursaint, seated in the magistrate's waiting-room, who then and there identify him as one of the supposed murderers. Had he known it, from that moment he was irretrievably lost, as surely doomed to death as the convicted murderer. Destiny, still implacable, had decreed that his judge was to be the unjust Gohier, that the alibi, his one hope of salvation, should fail of its purpose, and that the final examination of his case should be entrusted to so unsympathetic and unjudicial a reporter as Siméon. 'Here, truly,' writes M. Mæterlinck, 'the combination of murderous fatalities may well seem supernatural; and the case is typical, it is formidable, it is as symbolic as a myth.' At the same time the case of Lesurques is but one of many which have occurred and are occurring in our daily lives, in which, in perhaps less tragic circumstances, the presence of some evil star seems to govern a man's destiny and devote him hopelessly to misfortune.

LA RONCIÈRE

I

THE ANONYMOUS LETTERS

In the year 1834 the Cavalry School at Saumur was under the command of General the Baron de Morell. Saumur is a small French town situated on the Loire. The function of the school was to qualify cavalry officers to become instructors, and train cadets from the Military School who were intending to join the cavalry. The family of General de Morell consisted of his wife, a son, Robert, aged twelve, and a daughter, Marie, aged sixteen. Madame de Morell was a woman of good family, a niece by marriage of Marshal Soult, Duke of Dalmatia, at this time President of the Council of Ministers. The General's family lived usually in Paris, but in the summer of each year they joined the General at Saumur for the annual inspection of the School and such social festivities as accompanied it. Madame de Morell was a handsome and attractive woman. Her daughter, Marie, had inherited much of her mother's charm. The family would seem to have been on the whole united. The father doted on the daughter; but there were occasional differences between Marie and her mother on account of the former's tendency to read novels instead of limiting her reading, according to her mother's wish, to the Bible and more serious literature. During the November of 1833 and the April of 1834, some anonymous letters had been received in Paris by Madame de Morell, in which her attention had been

called to the youth of Miss Allen, a young English-woman of twenty-four who acted as governess and maid to Marie de Morell, improving the mind and sweeping out the room of her pupil. The letters also warned the General's family to beware of a mysterious society known as the 'Bared-Arms,' who for some reason or other had sinister designs on their peace of mind. But nothing came of these warnings, nor could the mysterious society be identified.

In the August of 1834, Madame de Morell, her son and daughter and Miss Allen, joined the General at Saumur for the period of the annual inspection. During that month two remarkable incidents occurred in their household.

One evening Madame de Morell was playing the piano. The windows of the room were open. To her astonishment she heard some loud exclamations of admiration coming from the street. She left the piano, and looking out of the window saw a man in civilian dress, whom, however, she took to be an officer, 'expressing by gesture feelings of which she could not approve.' Marie, who had been in the room at the time, went upstairs shortly after to find some music. On her return she told her mother that she had seen a man throw himself into the river Loire, which ran immediately in front of the General's windows, but that some boatmen had come speedily to his rescue and landed him safely on the quay. Next day, Madame de Morell received an anonymous letter from the would-be suicide, in which he declared his passion for her and lamented the failure of his attempt to die. Inquiries made at a later date failed to elicit any evidence of this attempted suicide or the rescue by the boatmen.

The second incident, though apparently less serious in character, was in reality the prelude to a domestic tragedy that was to fix the attention, not

only of France, but Europe, on the General and his family.

One night at the end of August, the General gave a dinner party to which certain officers attending the cavalry school were invited. Among them was a young Lieutenant of Lancers. He was placed at dinner next to Marie de Morell. The following day Marie told her parents that, as they left the dining-room, the Lieutenant had pointed to a portrait of Madame de Morell and had said to her: 'You have a charming mother, Mademoiselle, it is a pity you resemble her so little.'

The author of this unchivalrous remark was Emile Clement de la Roncière, Lieutenant of Lancers, thirty years of age. His father, Count Clement de la Roncière, a distinguished General, Spartan in his principles, had lost an arm in the Napoleonic wars; the Emperor had appointed him Commandant of the Cavalry School at Saint-Germain, where he had made himself remarkable for the sternness of his discipline. Good-looking and distinguished in appearance, the son had inherited the physical but not the moral courage of his father, of whom he stood in considerable awe. To avoid having to pass an examination, he had entered the army as a private and worked his way up to the rank of an officer. But, ever since he had joined the army, the young La Roncière had been getting constantly into trouble with his superior officers and accumulating debts. His father, who was a poor man, sent him to join an infantry regiment at Cayenne, 'a country,' he wrote, 'where you won't want money, and will find nobody to lend it you.' On his return to France in 1828, La Roncière was gazetted to the First Regiment of Lancers, and after visiting various garrison towns, came to Saumur in 1833. The morality of La Roncière would not seem to have been very different from that of the generality of the officers

of his day. He had kept mistresses, and brought one with him when he was transferred to Saumur. She left him, however, to go to Paris. At the time of his visit to the General's house, La Roncière was lodging with a widow and her two daughters of the name of Rouault. His character was not regarded with very great favour by his superiors or his colleagues. He was reported by the former as capable of being in the first rank, but wayward and discontented, whilst his brother officers were offended by a certain hardness in his disposition and sarcasm in speech. In the social world of Saumur Lieutenant de La Roncière was regarded as a 'bambocheur,' a fast young man. But his conduct was considered to have improved during the latter part of his stay in Saumur, and for that reason General de Morell had invited him to his house in the August of 1834.

Another, but more favoured, guest at the General's house was the Lieutenant Octave d'Estouilly, a serious-minded and religious young officer. He had artistic tastes; he was fond of painting animals. On the birthday of Marie de Morell on August 15th he had been allowed by her parents to present her with a specimen of his art. D'Estouilly had intended to leave the school in the previous June, but at the special request of the General had stayed on in order to meet his wife and daughter.

If on the occasion of their first meeting the conduct of La Roncière towards Marie de Morell had been remarkable for its want of ordinary politeness, it grew very soon to all appearances stranger still. Shortly after the incident at the dinner-party Madame de Morell received the following letter signed 'E de la R.'

'I tremble with the desire to let you know the name of him who worships you. It is the first soft feeling

that has stirred my heart; such a tribute should be very agreeable to you. I hope you have not been displeased with what I have written to your daughter; in the first place you must know that I have only spoken the truth, and secondly that before doing so, I took care to find out whether you loved her, and it was only after I had made sure that you did not, that I began to torment her. I had a great scheme in my head. I could not carry it out here, but the winter will be a fatal time for her. I have written more than thirty anonymous letters about her to people she knows in Paris; to Mlle B., who is at Neuchâtel-en-Bray; to Mme du M., who is at Ancy-le-Franc; you see, I know everybody. I shall be about your house to-day; if I see you go out, allow me to believe that you accept the tribute of the respectful love of your obedient servant,

'E. DE LA R.'

The day that Madame de Morell received this singular letter she showed it to her husband. He went to the window and there, on the bridge over the river in front of the house, the General saw La Roncière.

At the same time Marie de Morell had been sent a letter which ran as follows:

'Mademoiselle, as I don't know whether your mother shows you the letters she has received, I hasten to tell you that I have vowed a hatred against you that time cannot weaken. If I could cut you to pieces, kill you, I would do it. Later on, my hatred will rob you of all happiness and peace of mind. Not one, but three people in your household I have won over; I know everything that goes on. You found one letter in the curtains, you will find this one on the piano. Your father knows something of this, but not my letter of yesterday. Don't treat this as a joke;

death would be a boon to you, for your life will be always a torment and a misery.

'R.'

The governess, Miss Allen, was not overlooked by this mysterious correspondent. Her letter was addressed to 'Miss Hellen,' and said:—

'I am told that you are a very respectable young person, always carrying a Bible in your hand. Please tell Mlle de Morell, in quite a Christian spirit, that she is the most disagreeable person in the world; I don't know any one more common or more stupid. But her mother, she is charm personified; what an adorable woman! My God, the contrast! The daughter's forehead is wrinkled, and she looks ten years older than her delightful mother. Try then to make Mademoiselle de Morell devout; we must give ourselves to God, when the devil won't have us. She is so dreadfully ugly that she cannot expect anything in this world and certainly not a husband. Saturday's ball was delightful, but spoilt by her.

'Perhaps this will make you angry with me; then read in your Bible of the forgiveness of sins.'

These extraordinary letters had not been confined to the members of General de Morell's household. On August 20th, Lieutenant d'Estouilly received a letter posted in Saumur. It was signed 'An Officer,' and said:—

'I am neither man nor woman, angel nor demon, and for that very reason inclined to evil rather than to good. I know that you are happy, but I mean to disturb your happiness and that of the family of de Morell. I have already destroyed the happiness of three women. I have talked with Mlle de Morell

on the sofa; I have been reputed your intimate friend; Mlle de Morell has listened to me. I said to her: "M. d'Estouilly has no intention of staying at Saumur; he is being strongly urged to go back to his family; his father has plans for him."

'An Officer.'

Puzzling over this singular communication, the only officer of his acquaintance who seemed to Lieutenant d'Estouilly to be the possible writer of the letter was La Roncière. Shortly after receiving it, d'Estouilly met Marie de Morell at a dance. He asked her carelessly whether any one had told her that he had changed his plans and was about to leave Saumur. The young lady looked down and seemed astonished. 'As a matter of fact,' she said, 'I was told that your father had sent for you to go home. But I really don't see what interest it can have for me.' 'Mademoiselle,' asked d'Estouilly, 'would you tell me the name of the person who told you this?' Marie made no reply. D'Estouilly went on, 'I think I could name him, but lest we be overheard, I will point him out as he passes by us.' A little while after La Roncière came near them. 'La Roncière is the man,' said d'Estouilly. Marie, again looking down, blushed and said in a low voice, 'Yes, Monsieur.'

Three days after this interview d'Estouilly received a second letter:—

'I wrote to-day to Marie a letter in which I said many humiliating things about her. This letter is signed d'Estouilly. I am sure it will reach her, because I have bribed a servant with five francs.'

and on September 8th, a third:—

'It seems to me that you have changed altogether

in your behaviour and without giving me warning of it. How would you wish me to help you? Many things lead me to believe that you have told all to Mme Morell; I congratulate you: you could not have hit on a better way of tormenting Marie. The very first thing her mother did was to have a scene with her. You must show great indifference and then she will be afraid that she is not going to see you again. Through a friend I have got hold of some of her handwriting; I have tried to copy it and send you the result of my labours; take this pretended letter of Marie's to her mother, whose rage will then be beyond words; your heroine will then be shut up in her room, and we shall laugh in our sleeves, my friend. For my part I promise to make life miserable for her. I have scattered about in her room and her books little pieces of paper in which she is told that she is all that is ugly, stupid, and disagreeable, which as far as I am concerned is true: I put one in her Prayer Book; that was diabolically clever.

'Good-bye, I mend my pen to say some nice things about the poor forsaken one.'

With this letter was enclosed the note purporting to be in Marie's handwriting:—

'How unkind you are not to pay any attention to me; if you only knew the distress it causes me: you did not ask me to dance on Saturday, and I wished to so much. I see that you are as hard as a rock, and I so loving, you hurt me. I pray God may change you, but he is as deaf as you. I give you my word I love you very much; you are so charming.

'Marie de Morell.'

This third letter d'Estouilly felt it his duty to show to the General.

But the General himself had not been spared by the mysterious writer. The letter which had been sent to him ran:—

'General, it has been my wish to spread trouble and discord in your household; I am afraid I have not been quite successful and so I am sick with anger. Don't, however, think that I am the man to rest satisfied with these mere letters which you have received: no, I had done all that the blackest slander could do to ruin the most innocent creature in the world; such a task was worthy of me. But, unfortunately, Saumur was a stage ill suited to such a tragedy; you and your family are loved and respected; no one would listen to me. I have tried another means; a man who was in no way dependent on you, who was nothing to you, appeared to me to be the surest instrument; I therefore told him that a certain young lady had told me that she knew no one ruder or duller than he (M. d'E), that she was disgusted that he was allowed to talk to her so often; and then, when I believed the poor fellow to be thoroughly upset and excited, I wrote him a fine anonymous letter in which I spoke of pretended advances on her part; and finally I sent him a letter which was a perfect imitation of the handwriting of the innocent creature whom I was determined to ruin, and told him to show it to Mme de Morell, who, I understand, is very strict and would be likely to make a great row. I hoped that M. d'E., whose *amour propre* seemed hurt by what I had said to him, would make use of this opportunity to revenge himself. My spy having warned me that you knew of this, and M. d'E., who must have recognised my ill-disguised handwriting, avoiding me, I realise now that he is the sort of cad who makes a show of fine feelings as long as he is happy and has money in his pocket. Now you have the explanation of a comedy

that should have been a tragedy. You can thank my creditors for all this; the dogs are stabbing me in the back; devil take them and me! I can only think of them, and shall not have a minute before I go to Paris to think of you. Your servant,

'M————'

The French word beginning with M, written in full at the end of the letter was the coarse expression said to have been used at the battle of Waterloo by General Cambronne, and known to history as 'le mot de Cambronne.'

In spite of the outrageous character of these communications, and the apparent evidence that they came from La Roncière, General de Morell was unwilling for his daughter's sake to take any notice of them, and begged d'Estouilly to ignore them also. But on September 14th, the latter received another letter more sinister and threatening in its tone. It said:—

'You have not followed my counsels, you have despised them; this calls for revenge; it has begun, but death alone can satisfy it. This young girl worships you; I have seen her watching secretly from her window at eleven o'clock at night in the hope of seeing you once again. Instead of treating this passion of a girl of sixteen with a coldness natural to your age, which would have made her suffer, your persistency in boring yourself by going three times a week to M. de Morell's house, your walking so often on the bridge, all these things lead a heart already captive, to believe that her love is mutual; I know your good sense well enough to believe that it is nothing of the kind, but you are well aware that a comfortable fortune can make one overlook ugliness and stupidity. You are as naughty as I am to pit your cold and calculating spirit against the kind of worship that this

girl has for you; but don't deceive yourself, in a short time this girl will be wretched and degraded, an object of pity to all; if you will still take her then, she will be thrown into your arms; her parents will be only too glad to get rid of her. She will be pure and innocent—of that I cannot rob her—but in the eyes of the world she will appear guilty. All this, my good friend, will happen in the month of January, and you will be the cause of it; for let me tell you that I love her madly, that is to say her money, after my own fashion. I should like to have won her for myself, but her little air of disdain has prevented me from speaking to her; and so I shall revenge on her her love for you. By means of the person I told you about, I have placed in her room a letter of the most ignominious and outrageous kind; since you have been fool enough to tell everything to her mother, she is worried and watched over all the time; the flames of hell will devour her!

'R————'

D'Estouilly showed this letter to the General. It is a singular fact that in spite of what had happened already, La Roncière was still being invited to the General's house. He was present at a ball given three weeks later, on September 21st. The General had at length decided that he must take action in regard to what appeared to be the outrageous conduct of La Roncière. In the middle of the ball he sent for the young officer. La Roncière, on receiving his message, took up his cap that was lying on a piano in Madame de Morell's room, and passed into another room in which he found himself in the presence of the General and Captain Jacquemin, one of the instructors in the school. 'I have very good reasons,' said the General to La Roncière, 'for not receiving you any longer in this house. I must ask you not to visit here

any more.' Without a word La Roncière bowed and left the room. 'Upon my word!' exclaimed the General, 'here is a man I have entertained at my table, made free of my house, I order him out of it, and he says nothing! It is clear evidence that he is guilty!'

Next day, however, La Roncière called on Captain Jacquemin and asked him for some explanation of the incident of the previous night. The Captain told him of the anonymous letters. La Roncière protested vehemently his innocence; he said that such letters were little less cruel than murder, and disgraceful to any man, but all the more so to a soldier.

II

THE NOCTURNAL OUTRAGE

If the General thought that by forbidding his house to La Roncière he had secured his domestic peace, he was mistaken. At six o'clock on the morning of September 24th he and his wife were roused by the governess, Miss Allen, with intelligence of an outrage perpetrated on their daughter some four hours earlier.

Marie slept in a room immediately over that occupied by her parents, and communicating with an adjoining room in which Miss Allen slept. The door separating these two rooms was fastened by an ill-fitting bolt. A door at the end of a corridor shut off both rooms from the rest of the house, and was firmly secured at night. About two o'clock in the morning Marie said that she had been roused by the breaking of glass in her room. Through a hole smashed in one of the window panes she saw an arm thrust and the latch of the window slipped. A man entered the

room and moved quickly towards the door communicating with Miss Allen's room. Marie jumped out of bed and got behind a chair. The man advanced towards her. He was dressed in a cloth coat and wore a red undress military cap with silver braid; a large cravat hid his face up to his ears. 'I am going to revenge myself,' he said, as he seized the chair behind which Marie had sheltered herself, and threw it to the ground. He caught the girl by the shoulders, flung her down and dragged off the night-jacket she was wearing. Then he tied a handkerchief over her mouth to stifle her cries, and fastened a cord round her body. Having done this, the ruffian struck her several violent blows on her arms and breast, and bit her right wrist. 'I am revenging myself,' he cried, 'for what happened at M. de Morell's two days ago. But that is not all. I must revenge myself on the writer of anonymous letters.' His rage seemed to increase as he became more violent. 'Since I saw you,' he cried to his helpless victim, 'something has driven me to wish to do you some injury,' a wish he proceeded to carry out by stabbing Marie de Morell twice with some sharp instrument between the thighs. The pain of the wound caused Marie to cry out. Miss Allen in the adjoining room heard her pupil's cries and began trying to force the door between the two rooms. Hearing the noise the ruthless assailant released his unfortunate victim, saying, 'That is enough for her,' placed a letter on the chest of drawers and departed, as he came, by the window. As he got out of the window Marie heard him say, presumably to an accomplice outside, 'Hold tight.'

Such was the story Marie de Morell told to Miss Allen who, having pushed open the ill-fastened door, found her charge lying on the floor in her chemise, a handkerchief tied round her neck, a cord round her body, and by her side on the floor two or three

blood-stains. Though it was a bright moonlight night, Miss Allen could see no trace at the window of the nocturnal visitor. In ten minutes she had put Marie back into bed, but it was not until six o'clock that she roused the General and his wife to hear their daughter's story.

Who was the merciless ruffian who had committed this cruel assault on a defenceless girl? To Miss Allen, Marie said that she believed him to be La Roncière; to her father she said that owing to the darkness and his disguise she could not tell who he was; to her mother she said positively that he was La Roncière. It was not until three weeks after the occurrence that Marie told her mother of the stabs which her assailant had inflicted on her with some sharp instrument.

The vengeance of the monster, however, was not satiated by this last and crowning outrage. In the letter placed on the chest of drawers and dated 'Wednesday, one o'clock in the morning,' he foretold further trouble. He wrote:—

'You alone know the real motive for the crime I have just committed; it is indeed a crime to persecute all that is purest in the world; but I must be avenged. I have loved you, worshipped you; you have repulsed me with scorn; now I choose to hate you, and I will give you the right to hate me. One day I asked you to go out and you shut yourself up in your room. For you the passion that devours and consumes me will be vengeance enough; I suffer the tortures of hell; that scoundrel has been foolish enough to tell all to M. de Morell. I have written and told him that wherever I see him I shall brand him with the seal of infamy. I wait to meet him on the field of honour. Good-bye, I leave you, only to wreck your whole life; all Paris shall know the disgrace of Saumur; I shall go

away and shall not have the joy of watching your agony, and so I shall be silent. May you suffer but the half of what I suffer on your account.'

The same morning the General received by post the following letter, dated 'Wednesday—four o'clock in the morning.'

'So you laugh at my letters! But this catastrophe will prove to you that I am more dangerous than you thought. I have to summon up all my powers of hatred to write to you. Hapless father, I made my way into your daughter's room, without help from any one, I came in by the window. The noise I made in breaking the window-pane roused her; she threw herself at the foot of the bed; I threw myself on her and nearly strangled her with a handkerchief. The pain made her fall to the ground, senseless and covered with blood: I desired her honour and her blood; I had both. After having robbed her of the former, and made her a thing of shame, I went away unseen by any one. Ah! what a night! Can you not see me loading with insult a girl senseless and cold with the coldness of death? In the next room a woman was beating on the door, the bolt of which I had fastened, and calling down curses on me. I had spied out the land the day that Mme de Morell went to Allenne, whilst your daughter had gone out for her walk with her brother and Miss Hellen. By means of a false key I got into the room and made all my preparations; my first proceeding was to shut her off from all assistance by fastening the door, whilst her physical suffering robbed her of the strength to cry out. Now that all is over, now that I can only hope that your daughter will have a pledge of her misfortune, I know and will tell you that it is Samuel who has distributed the letters for five francs each, money which I have

no wish to reclaim: I promised him 1000 francs if he would get me into the house by a less dangerous way than the window, but he refused. In three days time I shall have left Saumur; in Paris you will see your daughter's shame made public; here no one knows of it. I fear the affection and respect in which you are held by these pigs of Saumurites and my comrades who treat me so basely.'

In this letter the writer made a definite charge against Samuel Gilieron, a former servant of the General's mother, who had been now some three years in her son's service. According to him, Samuel was his confederate in distributing those anonymous letters which had been found at different times in various parts of the General's house.

To the unfortunate General himself the tragedy that had fallen on his home, the cruel outrage committed on the child he loved so dearly, were agonising in the last degree. In some lines written at the time, he expressed the intensity of his horror and indignation:—

'Oh! the shame, the horror, the misfortune, the awful recollection of a crime that will bring about the ruin of those I love, and send me to the grave! Have I the strength to recall what should be buried for ever in the lowest depths of the earth? The monster, with the help of the wretch he had suborned, climbed into my child's room through the window, and in spite of the efforts of poor Miss Allen satiated on her his savage cruelty . . . I have not the strength to write more, This devil sent from hell for our destruction has had the fiendish cruelty to boast of his crime, and to himself furnish us with its dreadful details in the letters accompanying this, which prove his guilt and may yet send him to the scaffold. In order to

spare my child public dishonour, a thousand deaths, a thousand tortures, I have had to carry out my duties as usual, and give ghastly entertainments! . . . Marie, sweet and gentle victim, you were all that I loved best in the world. Angel of virtue, hope and pride of your family, innocent lamb, treacherously slaughtered, if the world into which you had hardly entered, cast you out, you will ever find a refuge in your father's heart. But even this last hope may fail you; this suffering heart of mine will soon be withered by despair.'

Thoughts such as these, the desire to shield their child from the taint of a disgraceful scandal, decided the General and his wife to keep the outrage that had been perpetrated on Marie a secret from the world. But the persistent malignity of their enemy made it increasingly difficult to confine the knowledge of these events to a few. They followed one another with alarming rapidity. The outrage on Marie had failed to all appearances to glut the desire for revenge and love of mischief of this determined scoundrel.

Later in the morning of the day that had begun with the outrage on Marie de Morell, d'Estouilly received a letter which was clearly designed to bring about a meeting on the field of honour such as had been suggested in the letter left on her chest of drawers by Marie's assailant. It said:—

'You are a wretch and a coward; anybody but you after the letters I have written to you would have called me to account; instead of that you have chosen to go and denounce me to the General. I shall deny everything, for my only purpose has been to torment you, and in that purpose I have succeeded. I am pleased with Ambert, but you, you are only a coward who is afraid of his skin; after having brought disgrace on

your epaulette, you have hoped that by resigning it, people would forget your cowardice. If you had any spirit, you would call me out after a letter like this; but wretch that you are, you daren't.

'Accept the assurance of my contempt; one day I shall brand you with the seal of infamy; we shall see then what you will do.'

This letter was signed 'Emile de la Ron——' It was a direct challenge to d'Estouilly, and as such he accepted it. The signature seemed to leave no doubt as to the identity of the writer. Immediately on receiving it d'Estouilly wrote to La Roncière:—

'Sir,—For some time I have been receiving anonymous letters. I hated to think that an officer could be such a coward as to employ such a means of injuring another. A final letter which I have just received proves beyond all evidence that you are the author of these disgraceful things. You are unworthy of the anger of an honest man, but your epaulette makes it impossible for me to hand you over to the Public Prosecutor. I will do you the honour of crossing swords with you; I will stoop for the moment to your level.

'I have called at your house with my second; will you let me know at what time and in what place I can meet yours? I choose the sword.

'D'Estouilly.

'Saumur, *September*, 1834.'

La Roncière expressed the utmost astonishment on receiving this letter and protested passionately his innocence in regard to the authorship of the so-called anonymous letters. To Lieutenant Ambert, a friend of his, who was acting as second to d'Estouilly he said, 'I am very unfortunate; a fatality seems to pursue

me; there is something satanic about it all. I swear that I am absolutely innocent.' Nothing, he added, was easier than to imitate a person's handwriting. 'Write something on a piece of paper,' he said to Ambert, 'and you see I will copy your handwriting then and there.'

D'Estouilly refused to listen to any expostulation on the part of La Roncière; the duel must take place. With some difficulty Lieutenant Bérail was persuaded to act as second for La Roncière. The two opponents met on the banks of the Loire. Victory was with La Roncière. D'Estouilly fell wounded in two places. As he lay bleeding on the ground La Roncière came up to him and took his hand. 'Forget what has passed,' he said, 'I am sorry, but I swear that I am innocent: leave it at that.' D'Estouilly reiterated his absolute conviction of La Roncière's guilt and said that if he would confess it, then all should be forgotten. La Roncière asked if he might have the letters to take to the Public Prosecutor, but his request was refused.

The same evening the anonymous letter writer sent news of the duel to Marie de Morell.

'I am the happiest of men,' he wrote, 'Fortune has smiled on me in the most unlooked for way; you can see how evil prospers in this world. You are the most wretched of beings and the man who was fool enough to be your champion is wellnigh dead; and all this is my handiwork. I am filled with a mad rejoicing: but the thought that gives me most pleasure is that you are now entirely dependent on me; a fearful bond unites us; in a few months' time you will have to come and ask me to give my name to you and another; nothing can save you from this last step in degradation. See where my mad passion has carried me; I have never hated, only despised you, but your mother's contempt for me has made me capable

of anything; let her kneel to me and ask my pardon, and then I will preserve your honour by marrying you. I alone can save you from eternal disgrace. By doing that I shall still be gratifying my revenge, for I know that you love another. Believe what I say.'

It was impossible that matters could remain as they were after the unsatisfactory termination of the duel. D'Estouilly and his friends were determined that, by fair means or foul, La Roncière should be made to confess himself the author of these extraordinary letters. The next day, the 25th, Bérail made a strong effort to induce La Roncière to acknowledge his guilt, but it was unsuccessful. The same day the latter received a letter from Ambert, who wrote:—

'Your affair is becoming public; there is talk of a Council of Honour. . . . Leave the school; I think the General will give you leave. Lose no time for you have many enemies.

'AMBERT.'

'PS.—You can reckon on my discretion. I owe it to your father and our former friendship.'

The statement that there was talk of a Council of Honour was not true, but it served to intimidate La Roncière. He yielded to the pressure put on him and sent to d'Estouilly through Bérail the following confession:—

'Considering the material proofs against me, proofs which before a court of law would overwhelm me, it is my duty to think of my family whose honour would be smirched by such an event; my unhappy father after a brilliant career, would not survive such a disgrace; if I were to be convicted his last days would be embittered cruelly; therefore, for every possible reason, I rely upon your generosity and hope

that this wretched affair will be buried in oblivion. I repudiate the terms of the letters you have received and, in confessing myself to be the author of them, offer you my excuses; accept them, sir, and be generous and discreet.

It costs me much to make this confession; I have been driven to it by no personal consideration, for my career is ruined; it is for the sake of my family that I have made it; spare them, that is all I have to ask of you, and after what you said yesterday, I think I may rely on you.

'E. DE LA RONCIÈRE,'

'SAUMUR, *25th September*, 1834.'

To d'Estouilly and Ambert this half-hearted admission of guilt by La Roncière seemed inadequate and inconclusive. They determined to press for a more definite acknowledgment of the actual authorship of the letters, and to gain that end were prepared to be more unscrupulous. Later in the day of the 25th, d'Estouilly from his bed of sickness wrote thus to La Roncière:—

'Lying wounded as I do, suffering from your infamous conduct, I do not make conditions, I dictate them. You have done well to confess everything, for three experts have recognised your handwriting and five years' imprisonment awaits you. But the confession you made is inadequate. I can place no greater reliance on your promises of to-day than on your feelings of yesterday. For the sake of my own future I demand that you acknowledge yourself to be the author of the anonymous letters sent to the General, to Mme de Morell and to Mlle Marie de Morell. I demand that you confess absolutely to have written to Mlle Marie de Morell a letter signed d'Estouilly, and to me another letter signed

Marie de Morell. I demand that you apply for leave to-day and quit Saumur. As to the silence you ask me to observe, unhappily for you, the affair has already begun to get talked about; it may be that your comrades will take some violent step, from which you would escape by leaving the school. Before finishing I ought to warn you that if ever the least misfortune fall on the family of de Morell and is in any way traceable to you, I shall place before a court of law the two forged signatures which you have written.

'D'Estouilly.'

This letter contained one statement that was a deliberate falsehood. No experts had seen the letters; when they did see them at a later date their opinion was contrary to that represented in this letter. But the menace and threats contained in it effected the purpose of the writer. The same evening La Roncière wrote to d'Estouilly:—

'I thought that my letter of this morning would have satisfied you. You overwhelm me in my misfortune, and you ask me to retract certain letters which you mention. I am ready to do so; may this step on my part bring peace to my family! I declare then that I am the author of the anonymous letters sent to the General, to Mme de Morell and to Mlle Marie de Morell. I declare further that I have written to Mlle de Morell a letter signed d'Estouilly, and to you, sir, another letter signed Marie de Morell. I am going to apply for leave, and shall quit the school to-night. After that I have reason to hope, sir, that you will be satisfied, and that far from seeking to injure any further my unfortunate family, you will do all in your power to see that this affair is spoken of as little as possible.

'I have the honour to sign myself,

'E. de la Roncière.'

Even this acknowledgment of guilt on the part of La Roncière was not ample enough to satisfy the exigencies of d'Estouilly. It was believed that La Roncière had an accomplice in the household of the General in the person of the manservant, Samuel Gilieron. Bérail was sent back to La Roncière to ask him to give up the name of his accomplice. La Roncière refused. 'Though I may,' he said, 'have confessed myself guilty when I am innocent, I am not going to accuse an innocent man.' That night La Roncière left Saumur for La Flèche. From there he wrote to Bérail on September 25th:—

'My dear Bérail, since I left you last night with nothing to think of but my unhappy situation, my poor brain has been at work, and the saddest and unhappiest thoughts have assailed me. What you told me, that d'Estouilly demanded something more of me, fills me with despair. The impossibility of satisfying him prompts me to ask you to use all your influence with him to make him satisfied and not ask of me what must bring about my ruin. Tortured as I am, I count on your good offices in this matter, to send me a word to Paris, *poste restante*. Don't forget my letters, if there are any for me, and give me all the help you can in my unhappy situation.'

During the day of the 25th, Captain Jacquemin had carried to the General the news of La Roncière's confession. The General was holding a review surrounded by his staff. Jacquemin sent him a calling card, with written on it the words: 'La Roncière confesses everything. He asks leave to go away.' As soon as the review was ended the General came up to Jacquemin, afraid that La Roncière might have confessed to the outrage on Marie which he and his wife hoped to keep secret; he asked him

excitedly, ' He confesses! To what does he confess? ' His agitation was relieved when Jacquemin told him that it was only the authorship of the anonymous letters that La Roncière had admitted.

From Saumur, La Roncière had gone to La Flèche, and thence to Paris. There he found Samuel Gilieron, who, the day following La Ronciere's departure, had been dismissed from the service of General de Morell. His friend, Annette Rouault, in whose house he had lodged at Saumur, had written telling him of Samuel's dismissal and giving particulars of the coach by which he would travel to Paris. La Roncière met Samuel as he alighted from the coach. ' I want to know,' he asked the servant, ' who is the author of the anonymous letters. I am not rich, but I would give twelve hundred francs to the man who could tell me.' Samuel replied: ' I should like to know that too; and I thought that perhaps you would be able to tell me.' A few days later La Roncière called on a relative of his, a M. de Chélaincourt, a retired cavalry officer. To him he told the story of the anonymous letters and the confession that had been wrung from him. The old officer put a purse and a pistol on the table. If he were guilty, he told La Roncière, let him take the purse and leave the country, or take up the pistol and blow out his brains. La Roncière protested his innocence. He asked M. de Chélaincourt to see Samuel and try if he could to get the truth from him. M. de Chélaincourt consented. He offered Samuel money if he would name the guilty party, even were he La Roncière himself. Samuel could only reply that he knew nothing.

If General de Morell had believed that the departure of La Roncière from Saumur would put an end to his daughter's persecution, he was soon undeceived. The very day that La Roncière quitted Saumur, Mme de Morell received the following letter:—

'You think perhaps that my vengeance is satisfied; not so, Madame, a love like mine, a love despised, can only find satisfaction in much blood, many tears, many torments. I know all that goes on in your house; the foot-baths, the leeches, Miss Allen, everything goes on as usual; precautions are useless, for I have made up my mind to make all known in Paris. It would be very sweet of you if you would hasten your departure, it would please me very much. I hoped that what I said to your daughter this morning would have had that effect; I am told that since then she has been very pale and tearful. I really had one dreadful moment when I thought that I had killed her and so would have failed in my object; I should not then have done you all the harm you have done me. Your daughter will live, but no life could be more awful than hers will be; for even if she does not become pregnant, think what it is for a young and pure heart, a heart which is loving for the first time, for I have no doubt of her feelings towards M. d'Es——, to find itself soiled by a wretch like me, and no longer be fit to love; I shudder at the thought. But you, it is you who have done all the harm.

'E. DE LA R.'

In spite of her terrible experience of the night of September 23rd, Marie de Morell was able five days later to take part in and enjoy the ball and festivities which marked the conclusion of the annual inspection at Saumur. Nothing but a rather heightened colour showed any trace of the terrible ordeal through which she had passed.

For a fortnight the enemy was silent. But on October 12th, he once again addressed Madame de Morell:—

'Fifteen days of quiet may have made you think that

I was repentant and ashamed and that you were never to hear from me again; don't deceive yourself; I know all that goes on in your home; I know your daughter's sufferings; briefly, I am in correspondence with some one in your house. In order that you may not know where I am, I have sent this letter through that person telling them to put it in the post at Saumur. I know what revenge you are planning against me; you may force me to leave France; but even then my rage will pursue you with greater fury; my relations with desperate men, men with whom I have formed a kind of association, give me the means of pursuing you everywhere, in every country.'

Here we seem to be reminded of that mysterious society of the 'Bared Arms,' which as early as 1833 had threatened the peace of the family of de Morell. The writer goes on:—

'I am waiting impatiently your departure from Saumur, where your husband's high position makes it difficult for me to begin. Recollect that you have no longer the right to busy yourself with my threats. There would be one way, however, of averting the storm which gathers over your head; I pointed it out to you in my last letter; I would be willing to marry your daughter; my melancholy situation would make it impossible for me to oppose what must be the ardent desire of you all. I must even confess that such was my original plan; I hoped first of all to compromise her with M. d'Estouilly, thinking that he would boast of his success and show his letter about. I reckoned on defending her in order to put you under an obligation to me. As he did not lend himself to this, I have had to resort to other means. The love that I felt for you the very first time I saw you, having been increased and intensified by your insolent

contempt, self-interest and revenge have done their utmost. Now I am absolutely determined to satisfy the one and the other. I have had one moment of anxiety; my correspondent wrote to me that you and your husband had been heard discussing a marriage; I feared lest your plan might be to marry your daughter quickly before the end. I have learnt since that there was nothing of the kind. Besides, I should have thought these were things that a father, however greedy; a mother, however much of a coquette, would be ashamed to do, even to preserve their daughter from disgrace; but it would be the height of folly if, supposing your daughter to consent, you refused to give her to me (with a good fine dowry, of course). Your crime would in such a case be even worse than mine. If I have robbed her of her honour, you refuse to give it back to her, when you could do so by the sacrifice of money.

'Think, what do you mean to do the day that all will be made public? You can yet by means of me be happy and at peace.

'E. R.'

Receiving no reply to his proposal, the writer of the letters became more menacing in his tone. On October 21st, almost a month from the date of the outrage which Marie de Morell said had been perpetrated on her, that young lady came out of a closet adjoining her bedroom, and fell fainting to the ground, holding in her clenched hand a piece of paper. On the paper was written:—

'Whilst you think yourselves safe, you are about to suffer the greatest misfortunes; in a few months' time, those you love best in the world, your father, mother, and M. d'Estouilly will have ceased to exist; you have refused me; I shall avenge myself first on him.

'E. R.'

On coming to herself Marie de Morell cried out: 'The red man! The paper! They are murdering my father and mother!' For two days she lay in a state of nervous prostration, at one time so serious that extreme unction was administered to her.

Two days later a letter was received by Madame de Morell which at length obliged the General to take action. It ran:—

'The malice with which I am pursued will be cruelly avenged. I know all your treacherous proceedings, you may be sure of that; try to do the same.

The man in your home I have won over will help me all he can, and four people in this world will learn what a man can do who is driven to extremity. I have already experienced the joy of steeping my hands in the blood of two of you. As we are now, there can be no possible hope of compromise, it is no good pretending as much. I have murderously attacked your daughter, my intention was to give her a dreadful disease in consequence of which she would have died in awful torment; I wounded her with a knife in a certain part of her body. She re-animated my courage by crying out, 'If my poor mother could hear me!' thinking that if she had told her all that had happened, she could not fail to believe that I had enjoyed her utmost favours. I wished to profit by such a misunderstanding in order to secure a fortune which I need badly. I was sure that I should find my proposal accepted with gratitude; I do not believe that M. de Morell is miser enough, or you coquette enough, not to have acquainted your daughter with my proposal; it will be rejected for the sake of the wretch who foils all my plans. Now it is nothing but revenge, revenge, blood, blood! Your powerful protector, M. Gisquet, will be able to protect you no longer. I shall begin

by flooding your house with letters; at Paris death awaits you!'

M. Gisquet was the Prefect of Police and a friend of General de Morell's. At the urgent solicitation of his wife the General left for Paris the day this last letter was received. He went to the Public Prosecutor, placed all the anonymous correspondence in his hands, as well as his own lament uttered the day after the outrage on his child, and asked for the arrest of La Roncière. On October 28th, as he was talking to a brother officer in the Rue Saint-Honoré, La Roncière was arrested. He was taken to prison and placed in solitary confinement.

But even stone walls and iron bars could not, to all appearances, suppress his epistolary energy. On November 28th, just a month after his imprisonment, M. d'Estouilly received at Saumur a letter signed 'E. de la Ronsière'; presumably solitary confinement had deprived La Roncière of the power of spelling his own name correctly. The letter was enclosed in the following note:—

'Sir,—I received yesterday a letter from M. de la Roncière, which, as he does not know your address, he asks me to convey to you, which I have the honour to do.

'Your servant,

'Victoire Moyert.'

Who was Victoire Moyert? Why should La Roncière profess not to know d'Estouilly's address? In any case 'Saumur' would have been quite sufficient address for an officer quartered there. The letter said:—

'PARIS, *Sunday*.

'From the depth of my prison, under the shadow of an accusation that will send me to the scaffold, I dare to ask your pity and beg it on my knees. I beseech you by all you hold sacred to spare me in your evidence. Having told many people in Saumur what happened on the eve of our duel, I fear that their indiscretion may have brought this to your ears, and that you are nursing a plan for revenging yourself on me; my terrible situation should disarm all hatred. Besides, you must know that if I have committed a murderous assault, you are the cause of it. I was in love with Mlle de Morell and I entered her room with the intention of murdering her, but as I threw myself on her to stifle her cries, I wanted to make her tell me that she did not love you. In spite of threats and blows she would not answer a word. In my rage I gave her a dreadful wound with a knife. The noise I made having roused the person sleeping in the next room, I was obliged to flee without achieving my purpose. When I reached Paris, I got the maid, whose utmost favours I had enjoyed whilst staying at Saumur, to convey a note to Mlle de Morell, in which I threatened your life. I am told that the mere sight of this paper gave her an attack of brain fever which nearly killed her. 'I am still in touch with a servant in the house, who wrote me yesterday that her parents had discovered the cause of her illness, had blamed her severely and taken away from her a certain drawing, and that since our duel, which nearly killed her with grief, she has been in a very serious state of health.

I have confessed all to you; I can only ask pardon for my crimes. In the name of my father's wounds, his gray hairs, spare me in your evidence. I rely so confidently on your honour that I need not ask you to keep this letter to yourself; it would only add

another to the proofs against me which are already so numerous. My only means of defence is to deny everything. Don't ruin me. I rely on you, burn this letter.

'E. DE LA RONSIÈRE.'

The last of this singular series of letters was delivered with sensational audacity. Early in December, Madame de Morell and her daughter had left Saumur for Falaise in Normandy, where it was hoped that the rest and a change from the distressing associations of the garrison town would restore Marie's health. They remained in Normandy about three weeks. On December 22nd, they left Falaise for Paris. Between nine and ten o'clock the following evening as the carriage in which they travelled was nearing the General's house in the Rue de Bellechasse, Marie, whose right arm was outside the window, cried out, 'They are breaking my arm!' She drew it back into the carriage and at the same time a ball of paper fell on her knees. Marie said that she had felt a blow on her arm from a stick, her wrist seized and her arm pushed back into the carriage. Madame de Morell looked out of the window and thought she saw a woman in a bonnet, disappearing hurriedly in the darkness. The ball of paper unrolled was found to be two sheets of paper; on one was written 'Madame de Morell. Very important'; on the other:—

'I feel inclined to do you a great service. I have the honour to belong to that delightful gathering of friends who pay court to the religious lady who lives at the corner of the Rue Saint-Dominique. I am one of her favourites, and, as the friends of our friends are our friends, I want to tell you what they say about you. Listen. The less malicious say that if you had been a good mother, you would have made the sacrifice

of marrying your daughter to her seducer whom you are pleased to call her assailant, instead of exposing her name to contempt. The more malicious say that the seducer was not the son of a lieutenant-general, but a manservant; these last are the more numerous. Those kindly disposed say: If the outrage really took place, and Madame de Morell has any heart, she will marry her daughter before three months are passed so as to put an end to the disgraceful slanders that are uttered about this poor young girl. Such are the things that are said about you in the modern Babylon.'

It was suggested that the woman in the bonnet who had flung the note into the carriage was Julie Génier, a maidservant in the house of the General, who had been sent to Paris two days before Madame de Morell left Falaise, in order to prepare for the arrival of the family. Though able to prove an undisputed alibi, Julie Génier was arrested. The other servant, Samuel Gilieron, had already joined La Roncière in prison.

In the meantime the preliminary investigation into the case against La Roncière had commenced. The first interview between the prisoner and the Examining Magistrate was dramatic. Abruptly the Judge said to him: 'You are accused of the attempted murder of Marie de Morell.' At the word murder, La Roncière started to his feet overturning the chair in which he had been sitting. 'What do you mean?' he asked. 'You have admitted it yourself,' replied the Judge, 'in letters signed with your initials.' 'I!' exclaimed La Roncière, 'I have said that I wanted to murder Mlle de Morell?' 'You have confessed,' said the Judge, 'that you are the author of certain letters, some anonymous, some signed with your initials, certain of them addressed to one of your comrades, M. d'Estouilly, the others to General de Morell, his wife, and daughter. In letters that are

in the same handwriting as those you have admitted to be yours, you describe your crime with revolting details and appear to glory in it.' 'I have never written such letters,' replied La Roncière, 'I see I have been shamefully trapped.' The letters having been shown to him, he said, 'But they are infamous, mad! That I should have put my initials at the foot of such abominations! Ah, sir, I believed that the letters of which I was asked to confess myself the author, were some foolish hoax, but I could never have been so utterly devoid of sense as to admit myself to be the author of such disgraceful letters as these; if I had, I should have deserved to be shut up as a madman.' It must be remembered that La Roncière at the time of his confession had seen only one of the letters which he was accused of having written, nor, if he were innocent, could he have heard of the nocturnal outrage on Marie de Morell which, until obliged to divulge it to the judge, her family had kept a profound secret. But, confronted with La Roncière, Marie de Morell without hesitation identified him as her assailant. 'It is impossible,' protested the prisoner, 'you cannot have recognised me, for it was not I. I was at home that night and can prove it.' 'What do you say to that, mademoiselle?' asked the judge. Marie de Morell repeated her previous statement: 'He is the man!'

And in the eyes of the majority of the public La Roncière was the man. From the very outset of the case sympathy was all with the innocent girl, victim of a cruel outrage on the part of a libertine and a scoundrel. La Roncière did not improve his position in the public estimation by the nature of his defence. He said that he believed himself to be the victim of a plot, that the attempted outrage on Marie de Morell was a pure invention, her illnesses simulated. He even suggested that she had carried on an intrigue with

d'Estouilly and that her whole story was concocted by her family for the purpose of accounting for the results of their guilty intimacy. Nor was the case of La Roncière advanced in the public estimation by the result of a commission sent to Saumur to inquire into his character and antecedents. Colonel Saint-Victor, the second in command under General de Morell, drew up a report on the moral character of the Lieutenant. It was disastrous. Wherever he had been stationed he had seduced wives and killed their husbands in duels. In one case the husband had committed suicide, the wife suffocated herself, the father died of grief. He had abducted Mélanie Lair, the mistress he had brought with him to Saumur. There he had been in the habit of taking his meals at the Hotel de l'Europe. The proprietress of the hotel having repelled his improper overtures, he had revenged himself by writing her husband anonymous letters of the most offensive character, which had finally obliged the unfortunate couple to leave the town.

It was nothing to those who already believed in the guilt of La Roncière that not one of the charges made in Colonel Saint-Victor's report could be substantiated. There was no word of truth in the stories of his duels, the suicides and abductions. It was true that Mélanie Lair had been his mistress, but there had been no question of abduction. It was true that the proprietor of the Hotel de l'Europe at Saumur had received anonymous letters, but he had never attributed them to La Roncière. Beyond a habit of getting into debt and a certain lightness of character, the conduct of La Roncière had differed little from that of the ordinary officer of the day. But all this mattered little. To a large section of the public La Roncière was a monster of wickedness, his victim a model of innocence. One legal writer has said that in reading the facts of La

Roncière's case, he got an 'irritating impression of general aberration.'

Certainly, as the case went on, men's sanity and judgment seemed to forsake them in presence of the interesting and sympathetic victim of an alleged cruel outrage and fiendish persecution. Even the report of the experts in handwriting, appointed by the magistrate to examine the anonymous letters and compare them with the handwriting of La Roncière and that of Marie de Morell, availed but little to stem the tide of prejudice. Of the four experts all were agreed that the same hand had written all the letters, that it was not the hand of La Roncière, and that the letter, sent to d'Estouilly and signed Marie de Morell, was written by a woman. Two went further and declared that not only were none of the letters in the handwriting of La Roncière, but that the letter to d'Estouilly, signed Marie de Morell, and the note from Victoire Moyert were both clearly in the handwriting of Marie de Morell, and that the handwriting of the eighteen other letters, though disguised, so closely resembled that of Marie de Morell that they likewise should be attributed to her.

This report of the experts raised a new question. Could it be that La Roncière was the innocent victim of a wicked girl, who out of pure love of mischief had deliberately written shocking letters, invented a cruel accusation and was now ready to allow an innocent man to suffer perhaps capital punishment for an imaginary crime? To this question the great majority of the public would appear to have answered that such a thing was impossible, that to imagine a girl of good family, well brought up and religiously educated, capable of such an infamy was utterly beyond the bounds of all probability; that, unreasonable and eccentric as his proceedings may appear to have been, the more likely explanation was that La Roncière was

a satanic monster, a slave to evil passions, delighting in the torture of a pure and innocent girl. And had he not confessed his guilt?

The preliminary investigation into the case lasted eight months. It was not until June 1835, that La Roncière and the two servants were sent for trial before the Paris Assize Court. The trial promised to be an exciting contest. It was to be a fight to the death between the party of La Roncière and that of Marie de Morell. For such a fight the French criminal procedure offered every facility. In criminal cases the injured party is allowed to intervene, either personally, or, in a case of murder, by the nearest of kin, and claim as *partie civile* damages against the offender. They are represented by counsel, and so it often happens that the prosecution in a criminal case finds its most powerful ally in the advocate who is pleading for the injured party. Where the advocate is an able one, he may be often more successful than the official representative of the prosecution in obtaining a conviction. The family of de Morell as *partie civile* against La Roncière, were determined that their case should lose nothing for want of powerful advocacy. They entrusted their interests to two of the leading advocates of the day, Odilon Barrot and the great Berryer. Odilon Barrot is perhaps better known to history as a not very successful statesman. Loyal and honest, he was at the same time inclined to be solemn and ineffective. 'There is no man,' said a friend of his, 'who thinks so deeply—of nothing!' As an advocate, Odilon Barrot was subtle in argument, sophistical if need be, with a supreme confidence in himself that was not shaken even by facts. His colleague, Berryer, may perhaps be reckoned the greatest French advocate of the nineteenth century, by some held to be the greatest French orator since Mirabeau. Noble in character and physique, gifted

with a wonderful voice and the power to use it to the best effect, there was something almost irresistible in the *élan* of his genius, when once his faith and sympathy were aroused in the cause he pleaded. 'He only pleaded,' wrote an ardent friend of his, 'causes which commended themselves to his conscience or compassion.' In the course of a case, in which by his generous efforts he procured the reversal of a gross miscarriage of justice, he said, in replying to certain compliments paid him by his opponent, 'No, I have no ability, I know myself; I know what is in me. I am naturally impressionable and, when I am convinced, I cannot help speaking with passion; but it is not ability, no, it is conviction.' Berryer was convinced that Marie de Morell was a cruelly injured girl, La Roncière a villain; to sustain that belief all his lofty and passionate eloquence was placed at the service of the *partie civile*.

Whatever their differences or difficulties in the past, General de la Roncière forgot all these in his desire to prove the innocence of his son, and secure for him the best possible defence in the approaching struggle. He was satisfied that his son, with all his faults and weaknesses, was incapable of the abominable conduct of the writer of the letters and the alleged assailant of Marie de Morell. He placed his case first in the hands of Philip Dupin, a distinguished lawyer, at that time holding the honourable post of 'bâtonnier,' or president of the Order of Advocates. For one month Dupin kept the papers, and then three weeks before the trial returned them saying that he could not undertake a case which did not seem to him to admit of defence. Such extraordinary conduct, so singular an opinion on the part of a man at the head of his profession go to prove the strength of the prejudice against La Roncière and the powerful influence of those who were seeking to prove his guilt.

In his desperation General de la Roncière turned to a man, younger, but one whose reputation at the bar and particularly at the bar of the Assize Court, was in a sense unequalled. Of the three advocates engaged in the case Chaix d'Est Ange, as advocate pure and simple, was probably the most consummate. 'To a gift of passionate eloquence,' says one writer, 'more superficial though often just as persuasive as that of Berryer, he added a sureness of vision, a quickness of understanding which enabled him to appreciate at once the general aspect and the actual details of a case.' His words, his effects as a speaker were above all spontaneous. 'I study my cases,' he said of himself, 'but I do not prepare my speeches. All men will do me that justice; some even make it a reproach. I have not the advantage that some of us have of being able to quietly prepare cold and cutting shafts of malice, polish up witticisms delivered with apparent spontaneity and more or less success. No! I have too much heart and too little wit; my words come too quickly to enable me to indulge in those feats of memory which impress me so little.' It was this very spontaneity, this inspiration of the moment that gave at times to the eloquence of Chaix d'Est Ange such overwhelming force. He is probably the only advocate who, by the mere power of his eloquence, can claim to have wrung from a guilty man a confession of his crime. This feat he had performed in 1831, at the trial of one Benoit, charged with the murder of a companion in debauchery, and suspected also of having murdered his mother. So vividly did Chaix d'Est Ange, appearing for the *partie civile*, picture the conduct of the murderer on the night of his mother's death, his refusal to look at her body, the unspeakable terror which prevented him from entering the room in which his dead mother lay, 'as though at the sight of him the corpse would suddenly come to life again and,

raising its arm in one last effort, point with an accusing finger at the cowering parricide,' so tremendous was the effect of the words, the voice, the gesture of the advocate that the guilty man sank back in the dock and gasped out 'Ah! God! My mother! I! I! It is I!' Such was the advocate who was to defend La Roncière. His past successes gave good hope that, even in the face of the prejudice against his client, he might succeed in persuading a jury that La Roncière was neither the writer of the anonymous letters, nor the perpetrator of the outrage on Marie de Morell.

That prejudice was fed and encouraged by an act of injustice on the part of a newspaper, of which shortly before his trial La Roncière was made the victim. The *Gazette des Tribunaux*, the leading legal journal of Paris, obtained by some means a copy of the Act of Accusation against La Roncière, and a fortnight before the opening of the Assizes published it in its columns. It introduced the document to its readers in these words:—

'On Monday, June 29th, will commence the trial of a case which will occupy many sittings of the court, and is destined to take a notable place in our judicial records. The social rank of the prisoner, son of a Lieutenant-General, and nephew of a peer of France; the character of the crime and the refinement of perversity with which it was conceived; the dreadful audacity with which it was accomplished; the legitimate and sympathetic interest felt for a girl of sixteen, whose reason is hardly yet recovered from the shock of this nocturnal outrage, and whose evidence can only be heard at a night sitting of the court, because it is only after midnight that the unhappy girl enjoys a few lucid moments; the presence at the trial of the victim's family as *partie civile*; the anonymous letters with which the house of General de Morell was

inundated, the romantic and mysterious circumstances that surrounded them, and the astonishing opinion of the experts; all these things combine to excite the keenest interest on the part of the public and make this criminal trial noteworthy and remarkable.'

After this extraordinary exordium in which the guilt of the prisoner was assumed, followed the Act of Accusation, in which his guilt was treated as established and the story told by Marie de Morell implicitly accepted. Though intended to be an indictment, the Act of Accusation in France is nothing more than an opening speech for the prosecution, only too frequently unscrupulous and misleading. That in the case of La Roncière was no exception to the rule. Facts were stated against him of which no proof was given at the trial; two women in Saumur were described as his mistresses; the anonymous letters at the Hotel de l'Europe were attributed to him. The story of Marie de Morell was accepted and related with full dramatic effect. The statement of the handwriting experts in favour of La Roncière was discounted. The suggestion that the letters had been written by Marie de Morell was opposed by the 'moral impossibility' of considering her as their author.

Nothing could have created greater prejudice against La Roncière than the premature publication of this specious indictment, which was to remain for a fortnight unanswered, the case for the defence unheard. La Roncière wrote from prison to the editor of the newspaper protesting against the publication:—

'It is a regrettable precedent that allows the publication of an Act of Accusation a fortnight before the trial, and leaves the accused person for so long a

time under the weight of an accusation to which, whether just or not, he has no means of replying. It seems to me that in a case so serious, the interests of the defendant should be considered before the curiosity of the public. As to the particular charge made against me and so cleverly devised, it would require a whole speech for the defence to answer it. I will content myself with saying that this romance will fall to pieces and that since this Act of Accusation has been published, no one awaits more eagerly than I and my family the day of trial. There is nothing astonishing as you would suggest about the report of the experts; what is astonishing is that every day men are being condemned for forgery by the Assize Court on the evidence of such experts, and that to-day, when their investigations into a serious case have been exhaustive, they should be made light of by you and the prosecution. When the time comes everything will be tested in the broad light of a court of justice, and I hope that my situation as an accused person will entitle me to that impartiality of treatment which, in spite of the influence of my opponents, the press is accustomed to observe in criminal cases.

'E. DE LA RONCIÈRE.'

The *Gazette des Tribunaux* did not insert La Roncière's letter, but it appeared in other newspapers. Accordingly, the *Gazette* thought fit to justify its attitude. They wrote that in publishing the Act of Accusation they had merely followed their usual custom and that until it had been placed in their hands they had refrained, unlike many other papers, from publishing any details of the case. Their reflections on the case, of which M. de la Roncière had complained, had been limited to their description of the report of the handwriting experts as astonishing, an expression of opinion which did not appear to them

to justify M. de la Roncière in describing the whole Act of Accusation as a ' romance.'

II

THE TRIAL OF LA RONCIÈRE

And so, in an atmosphere charged with bitterness and passion, commenced the trial of a case that of all others called for close and passionless investigation. It was to the onlookers the trial of Marie de Morell as much as that of La Roncière. On her story the prosecution relied. That story, before it could be accepted, demanded a rigorous and searching examination. What opportunity would the trial afford for testing its validity? On the strength of her evidence, La Roncière was charged with an attempted outrage on Marie de Morell, at that time a capital offence, and with maliciously wounding her; the two servants with aiding and abetting him in his felonious purpose. If the girl's evidence were true, a foul enough plot; if false, as diabolical a piece of mischief as ever entered a young person's head.

To seek the solution of this problem all Paris had assembled in the Assize Court on Monday, June 29th, 1835. Leaders of society, soldiers, judges, artists, among them Victor Hugo, made up the expectant audience. The presiding judge, M. Ferey, formerly a pupil of Berryer, was remarkable as a judge of assize for the dignity and impartiality with which he conducted a criminal trial. There was little in the appearance of the three prisoners to suggest the horrid charge brought against them. La Roncière is described as a pleasant-looking young man, distinguished in his bearing, fashionably attired, and

wearing a slight moustache. Beneath him sat his father, the General, who had lost an arm in the service of his country; on his breast he wore the Legion of Honour. 'Courage, my son,' he said, 'you have nothing to fear; you are innocent; bear yourself like a man!'

Immediately after the reading of the Act of Accusation an incident occurred, which seemed to render it doubtful whether the evidence of Marie de Morell would be given under conditions favourable to such a strict examination of it, as the circumstances of the case demanded. Two doctors were called before the court who stated that during the last three days the young lady had been subject to periodical attacks of a nervous character, occurring four times daily, one lasting from four o'clock in the morning till six o'clock in the evening, another from eight to a quarter-past ten, and a third from eleven until midnight. In their opinion midnight would be best time at which to hear her evidence. It was decided that she should be called at that hour. It is a curious circumstance that the most remarkable incidents in the alleged persecution of Marie de Morell by La Roncière had occurred periodically during the last days of the month. At the end of August took place the incident of their first meeting at the dinner-table; at the end of September the alleged outrage; at the end of October the dramatic discovery of the letter in the closet; at the end of December the letter thrown into the carriage; and now at the end of June, Marie de Morell is found to be in a state of nervous excitement which only permits of brief intervals during which her condition is sufficiently normal to allow her to be called as a witness.

The opening of the President's interrogatory of La Roncière dealt with his career previous to his coming to Saumur. Nothing was proved against him

except a certain lightness and insubordination in conduct and a habit of getting into debt. Asked as to his rudeness towards Marie de Morell at their first meeting, he protested as a man of the world against the likelihood of such behaviour on his part, and of the General having, after such behaviour, invited him again to his house. Asked to explain the fact of the writer of the first letter signed 'E. de la R,' having said that he would be in front of the General's house the same day, and the General looking out of the window immediately after the receipt of the letter and seeing La Roncière on the bridge, he said: 'There was nothing very extraordinary in that; after our work we used to go for a walk, and we had nowhere else to walk except on the bridge of Saumur.' He said that he could not otherwise explain the coincidence, but that, if he had written such a letter, he should not have been such a fool as to have signed it.

The President came to the incident of September 21st, when General de Morell, after a number of anonymous letters had been received by the members of his family, had sent for La Roncière during a party that he was giving and dismissed him from his house.

Q. You said nothing in reply?

A. No, sir.

Q. What! You did not ask for any explanation?

A. My military rank made that impossible.

Q. You were not on service at the time; you were in a drawing-room; you could have asked perfectly politely for an explanation and have got it.

A. The scene did not take place in the drawing-room, but in the ante-room in presence of Captain Jacquemin. I counted on seeing the General the next day and asking for an explanation.

Q. But the very privacy of the occasion made it

easier for you to go into the whole question of your expulsion and ask the reason of it.

A. Certainly I might have done so; I did not, because I was afraid a discussion might attract the attention of the people in the card-room.

Q. Did you next day ask the General for an explanation?

A. No, sir. M. Jacquemin gave it me. He told me that I was believed to be the author of the anonymous letters, that the General did not wish to discuss the matter with me, and that if he did it would be in the presence of the Minister of War, my father, and General Préval.

Q. Did you write to the General?

A. No, Captain Jacquemin advised me not to, and told me that he would himself convey to the General the explanations I had given him.

On the night of the 23rd, that of the attempted outrage on Marie de Morell, the General had seen La Roncière at the theatre. After the play La Roncière said that he had gone home to his lodgings in the Rue Saint-Nicolas.

Q. Who lived in the house?

A. The landlord and Madame Rouault and her two daughters.

Q. Had you been intimate with Elisa Rouault?

A. No.

Q. With Annette Rouault?

A. No.

Q. Was the house-door shut at night?

A. Yes.

Q. I suppose they took care to ascertain first whether the lodgers were all in?

A. Yes; often they used to come up to my room to see if I had come in.

Q. When you got home, was Elisa Rouault at home?

A. She was at the window and told me to shut the door.

Q. How did you shut it?

A. By drawing the bolt.

No evidence was called by the prosecution to support the allegation of any intimacy between La Roncière and the three women mentioned by the judge.

La Roncière denied that he was the man alleged to have entered the bedroom of Marie de Morell on the night of the 23rd.

Q. How then could Mlle de Morell have given the actual words used by a person whom she recognised as you?

A. I don't know.

Q. You were confronted with Mlle de Morell during the preliminary investigation; she stated positively that she recognised you.

A. That is not surprising; she had seen me at her father's house and knew me well.

Q. She was warned that she was making a very serious charge. But she persisted in it. How could she have made such a charge if you were not the man?

A. I cannot tell you. I can only swear that I was not the man.

La Roncière was greatly distressed when the President suggested that he had not fought fairly in the duel with d'Estouilly. The suggestion was quite unfounded and repudiated later by those who had been present at the encounter. But that did not prevent its being introduced into the proceedings. It served to dissolve La Roncière in tears and led to a moving embrace between father and son.

The President asked La Roncière to explain his subsequent confessions of the authorship of the anonymous letters.

Q. How is it that, after having shown considerable firmness, you calmly and deliberately admitted yourself guilty of such conduct?

A. I thought I was lost; they told me that experts had declared the letters to be in my handwriting. Gentlemen (turning to the jury, his voice broken with sobs) think of my father, his declining days darkened by such a charge brought against his son; I thought of his grief if the case were put in the hands of the police; I wrote that letter to avoid being brought into court. I feared to distress my father's peace of mind, I who had already caused him so much trouble. But it was not I who wrote those letters.

Q. You would have best considered your father and his peace of mind by going straight to him and not by declaring yourself guilty, if you were really innocent.

A. I hoped that my confession would not be made public and that in time the real writer of the letters would be discovered.

Q. M. d'Estouilly, not satisfied with your first letter of confession, insisted that you should admit the authorship of all the letters, and you did so.

A. Yes, I saw myself threatened with legal proceedings; I was afraid that my first confession would be sufficient to convict me; that and the other reasons which I have given you prompted me to write the second letter.

Q. It only served to aggravate your position. A first confession is followed by one still more astonishing, and all the more so because you knew already that it was the anonymous letters that had brought about your expulsion from the General's house?

A. I did not know the contents of the letters; I thought they were trifling in character; if I had known that they were full of such horrible things,

do you think that I would ever have admitted myself to be the author of them?

Q. You must have thought them very serious to have caused the General to order you out of his house?

A. Any anonymous letters, whatever their contents, are sufficient to turn a man out of any decent house.

The letters, alleged to have been written by La Roncière after his imprisonment, he characterised as only worthy of a lunatic. A letter written to Captain Jacquemin, in which La Roncière had suggested that the accusation made against him by the parents of Marie de Morell was an attempt to account for their daughter's condition, led the President to ask the prisoner:—

Q. Was it Samuel who told you that Mlle de Morell was in an interesting condition?

A. No, but he had told me of frequent quarrels and disputes between her and her mother on the subject of her behaviour.

Q. What connection could there be between these quarrels and such a condition?

A. There might be some.

The servant, Samuel, was the next of the prisoners to be interrogated by the President. He answered his questions quietly and calmly. He denied that it was he who had taken the anonymous letters into the General's house:

Q. Whom do you suspect of having taken them there?

A. I don't want to suspect any one, lest I do them an injustice; I might make a mistake about them just as they have made a mistake about me.

Q. Did you not say that if you were confronted with Mlle de Morell, you would make her confess that it was she?

A. Yes, I said that, because I believed it. But

to-day when I see what a mistake is being made in accusing me, I am afraid to accuse any one myself lest I make the same mistake.

The President suggested that it was from the attic above Marie de Morell's room, in which Samuel slept, that the rope ladder had been suspended by means of which La Roncière had obtained entrance to her chamber on the night of the outrage. Samuel replied that on that night, and for two days previous, he had been ill in bed, and when asked how it was that on the following day he looked pale and exhausted, he explained the fact by his illness.

The maid, Julie Génier, said that she had never met La Roncière or had anything whatever to do with him, until she saw him after her arrest. Mlle de Morell had pointed him out to her on one occasion and said to her, 'There is M. de la Roncière,' in such a way as to suggest to the girl that she should try to 'make a conquest of him.' She described Marie de Morell as gay, singing and joking at the ball which she attended four days after the outrage. She said that Marie de Morell appeared to take a great interest in M. d'Estouilly and after the duel had asked anxiously for news of him. Asked whether she was the woman in the bonnet, who had thrown the letter into the carriage in Paris, she said that she had never worn a bonnet, and was in another part of Paris at the time.

It was five o'clock in the evening when the interrogatories of the prisoners were concluded. The court then adjourned until eight o'clock the same evening. At that hour the night sitting commenced with the hearing of the witnesses for the prosecution. General de Morell, his wife, and Miss Allen were the first to be called. They all gave their evidence in low voices and were treated with the utmost consideration by the President. There was no attempt at cross-examination of any kind. Their evidence added little

or nothing to the facts already given. The General said that the anonymous letters emanating from the band of the 'Bared-Arms,' which had been received in his house in 1833 appeared to be in the same handwriting, though more disguised, as those received at Saumur.

Madame de Morell was questioned as to the morning following the outrage:—

Q. At what time did you wake on the morning of September 24th?

A. It was daylight but I don't know the time.

Q. Didn't you rebuke Miss Allen for waiting so long before rousing you, and what did she say?

A. I did rebuke her, but she told me that she dared not leave Marie alone in the state in which she was; that fear, terror had restrained her.

Q. Didn't you think it extraordinary that Miss Allen had heard nothing, the entrance of the stranger, the bolting of the door, your daughter's cries; had heard nothing till it was all over?

A. Miss Allen sleeps very heavily.

Asked whether she had tried to find out from her daughter the exact nature of the outrage perpetrated on her, Madame de Morell replied: 'Think! Only sixteen years of age—the nature of her bringing up—all these things obliged me to be very careful—I respected her youth.'

Q. Did your daughter tell you of any act of violence committed on her?

A. She spoke to me of bites, bruises, and scratches.

Q. Did you examine them for yourself?

A. Only in one place—the arm.

Q. What was there on the arm?

A. A tear, a bite.

Q. When did your daughter tell you of the other acts of violence?

A. Three weeks after. One evening in the drawing-room she began to cry, and asked me to forgive her for her silence; she said that violence had been done her that night, cuts with a knife inflicted on her which had caused the blood I had noticed on the morning of the 24th.

Q. To what had you attributed that blood?

A. I thought it had come from her mouth.

Q. Did you at once call in a medical man?

A. No.

Q. Did you tell Miss Allen, of these injuries?

A. No.

Miss Allen, who is described as very pretty and giving her evidence with 'English prudery,' said that on the night of September 23rd she had been waked by groans and what seemed broken voices in the room adjoining hers: 'I tried to open the door which in a few minutes yielded to my efforts.'

Q. When you entered the room did you see any one leaving it?

A. No one.

Q. Did you see a rope ladder at the window or the trace of any one who had got out of it?

A. I did not look as I came into the room, but afterwards I looked and saw nothing.

Q. What was the position of Mlle de Morell when you came in?

A. She was lying on the floor bleeding; she had a cord round her body and a handkerchief round her neck.

Q. Had she any bruises?

A. Yes.

Q. And blood on her face?

A. Yes, sir, and on her fichu.

Q. Had she her nightdress on?

A. No.

Q. Had she wounds, bites, or bruises?

A. Yes, chiefly on the wrist.

Q. Were the injuries considerable?

A. No, sir, there were the marks of teeth, but they had not penetrated deep.

Q. Did you get a light?

A. No, it was bright moonlight.

Q. Was the moonlight strong enough to show you the bites and bruises?

A. I did not see them by the light of the moon, I saw them next day.

Miss Allen said that the moment she came into the room, Marie told her that her assailant was La Roncière. Asked why in the preliminary investigation, she had said that Marie had told her that she *believed* him to be La Roncière, she replied that she must have expressed herself badly. Asked why, on hearing of the outrage, she had not immediately roused the house, she said that she had never thought of it.

At a quarter past eleven the court adjourned until midnight. At that hour Marie de Morell, leaning on the arm of an elderly lady, entered the court and advanced to a large arm-chair placed there for her convenience.

The President had previously invited the spectators to receive her without movement of any kind. 'We hope,' he said, 'that under the circumstances curiosity will give way before the respect due to her situation.' Her beauty is described as remarkable. Slowly but quite calmly she faced the expectant audience, and in a low voice, firm and self-possessed, answered the questions of the presiding judge. She described the assault on her:—

'I was asleep when a sudden noise roused me; it was the breaking of a pane of glass. Turning round, I heard a man jump into my room. He was wearing an undress cap. Positively and immediately I saw him to be M. de la Roncière. He tore off my nightdress,

tied a handkerchief round my neck and a cord round my body. He said he had come to revenge himself. He struck me blows on my arms and legs, bit me, trampled on me. All the time he said that he was revenging himself. At last my stifled cries and groans were heard. Miss Allen was striking and pushing at the door. M. de la Roncière escaped by the way he came. I heard him say as he went away, "That is enough for her." I managed to open my eyes which had been shut, and saw that he had gone. I heard him say quite distinctly "Hold tight." '

The President asked her solemnly, 'Are you sure that the man who entered your room was La Roncière?' 'I am quite sure it was he,' was the immediate answer. The President reminded the witness that she had described the cap worn by La Roncière as red, whereas the Lancer regiment to which he belonged was the only one in the service which wore a blue cap. 'I may have made a mistake,' she replied. The President told her to look well at La Roncière and say if she recognised him. Marie lifted her veil, looked at him calmly and said, 'Yes, I recognise him.'

The President.—Samuel Gilieron says that, having one day entered the drawing-room and looked in vain to see if he could find any anonymous letters there, he made sure that there were none, and that a few moments later he heard you say that you had found another on the staircase pinned to the wall. He says that it would have been impossible to have fixed a pin into that wall.

Marie de Morell made no reply.

The Avocat-Général (Appearing for the prosecution) —You recognised La Roncière by his face and his voice?

Marie de M.—Yes.

President.—Prisoner, what have you to say?

La R.—I protest against the evidence of Mlle de

Morell; before God and man I say that it is absolutely false.

Avocat-Général.—You have no other answer to make?

La R.—My answer covers all.

President.—To what motive do you attribute Mlle de Morell's false statement?

La R.—I don't know; I cannot say what can have induced Mlle de Morell to accuse me of an atrocious crime of which I am innocent.

President.—Do you believe that the family of de Morell cherish a feeling of animosity against you?

La R.—I have never done them any harm; I cannot understand why they should seek to ruin me.

The President reminded the witness that according to Miss Allen's original evidence, she had told her that she thought her assailant was La Roncière; was she now positive that it was he? Marie answered with firmness. 'Yes.' After a few unimportant questions from M. Chaix d'Est Ange, the President told Mlle de Morell that she might withdraw, and begged the audience to remain silent whilst she did so. As she left the court Marie de Morell exchanged greetings with several persons of her acquaintance.

M. d'Estouilly was the first important witness to be called on the second day of the trial. He described the events leading up to and following the duel. He roused the indignation of La Roncière by describing him as having gone down on his knees and protesting in that ignominious posture that he was not the writer of the letters. 'Thirty years,' exclaimed the accused man, 'I have been a soldier and never have I knelt to any man.' Not content with this protest he went on to accuse d'Estouilly of a reluctance to fight, but the President warned him not to go too far. He said that he had been accused of treachery in the duel, by catching hold of his opponent's sword

with his left hand, and asked d'Estouilly what he had to say in regard to this. The witness answered that the seconds could reply to that question better than he.

Lieutenant Ambert, who had acted as second to d'Estouilly, was the next witness. Asked why he had told La Roncière after the duel that experts had examined the letters and declared them to be in his handwriting, he said that he had merely told him that people to whom he had shown the letters had recognised his handwriting. But in the letter written by d'Estouilly at the dictation of Ambert, the fact of the opinion of the experts is distinctly stated. Asked by La Roncière whether he had seen him go on his knees to d'Estouilly he said that he had not, but that La Roncière had said 'My dear d'Estouilly I go on my knees to you.' A rather heated discussion ensued:—

La R.—Does M. Ambert believe me capable of an act of cowardice?

Ambert.—I cannot answer that question as long as M. de la Roncière is surrounded by guards. If he were in a different situation, I should know how to answer it.

La R.—In a word, do you believe me capable of such an act?

Ambert.—It would be an act of cowardice on my part to say that you were, as long as you are under arrest.

La R.—That is as much as saying that I am. .

M. Chaix d'Est Ange.—And saying it with some assurance.

Ambert.—If I were to say that M. de la Roncière is a brave man, I should be asked 'Do you really think so?' But if I said he was a coward I should be committing an act of cowardice myself. You can interpret my silence; I am in a very delicate position. I could

answer the question if M. de la Roncière were at liberty.

La R.—But that is a challenge. Say what you mean.

Ambert.—That would be little use now; if you are acquitted, I will answer you.

President.—The court cannot listen to explanations of this kind; the matter must be dropped.

M. Berryer.—The witness's meaning is quite clear. When the prisoner spoke of going on his knees it was to add force to his words, not to avoid a duel.

Ambert.—That was my meaning. Besides, I have already stated that he fought quite fairly.

President.—Why did your relations with the prisoner cease? (Ambert had been at one time friendly with La Roncière, and they had been in the habit of taking their meals together.)

Ambert.—Because our habits and tastes were different. But I never saw La Roncière frequent cafés or gamble, there was nothing about his way of living that I disapproved of.

Avocat-Général.—Have you heard La Roncière say that he had the means of forcing a wealthy family to give him their daughter in marriage?

Ambert.—I never heard him say it to me, but I often heard it said in society. In Saumur it was a general subject of conversation.

Lieutenant Bérail, the second of La Roncière in the duel, confirmed the fact that at the time he wrote the letters of confession La Roncière had never ceased to protest his innocence, and had refused positively to implicate anybody else in his admissions. In answer to a question from M. Odilon Barrot, the witness said that Ambert had accused La Roncière of ingratitude, and stated that he had helped him with his purse and his sword. But Ambert, in answer to La Roncière, said that he had no recollection of having said anything of the kind, and had never fought a duel on his behalf.

The evidence of Captain Jacquemin led to an exciting and, to the frivolous audience, amusing episode. The gallant Captain, having admitted that he had a liking for La Roncière, in spite of his debts and mistresses, failings for which he confessed himself indulgent, was asked by Odilon Barrot whether he had heard from officers intimate with La Roncière that on one occasion the prisoner had furnished one of them with a rope ladder. The captain admitted that this was so, and that he had seen the ladder in question. Asked to name the officer Jacquemin hesitated, when suddenly Lieutenant Ambert rose from the back of the court and said, 'It was I!' It appeared that at the beginning of 1834 Ambert stood in need of the services of a rope ladder to reach the apartment of some lady-love. He had already a rope ladder in his possession, but La Roncière, seeing it, expressed an unfavourable opinion as to its usefulness. He said that he could make a better one, and did so. It was a ladder the ends of which were triangular in shape. To use it effectually according to Ambert, it required the help of two persons who 'understood each other.' He said that the ladder was at his house at Tours. It was admitted that this ladder could not have been the one alleged to have been used by La Roncière.

Colonel Saint-Victor, the author of the grossly unjust report on the career of La Roncière made during the preliminary investigation, showed a similar spirit in his evidence. He said that Ambert had told him that La Roncière had boasted to him that he knew how to find himself a rich wife, that he would carry on an intrigue with the daughter of wealthy parents and get her into such a condition as to oblige her to marry him. To this Ambert replied that he had never said anything of the kind to Colonel Saint-Victor, and that La Roncière had never said anything of the

kind to him. A suggestion on the part of the Colonel that La Roncière had pilfered a small sum of money from Ambert proved to be quite innocent in character.

To prove an alibi on the part of La Roncière, Elisa Rouault, a sempstress, in whose house La Roncière had lodged at Saumur, was called. She said that on the night of September 23rd, La Roncière had come in about eleven o'clock. She asked him if he were going out again, and on his replying in the negative, locked the front door and put the key in her pocket; it was her custom to do this when she was sitting up at night alone, working. On other nights the front door was fastened with a bolt and she would then lock her bedroom door; but when she was working with an iron and burning a large fire she kept the door of her room open to get air, and locked the front door out of a feeling of nervousness. One inhabitant of the house was called and said that in all the eighteen years he had lived there he had never seen a key to the front door, but another said that he had seen such a key and had known the front door to be locked with it.

Annette Rouault, a sister of Elisa, was accused of having acted as an agent between La Roncière and the servant, Samuel. 'I have never seen nor known Samuel,' she protested, 'The newspapers have said that I knew him, but they have said all sorts of things. It is very unpleasant. I would like to see the person who says that I have ever seen Samuel or spoken to him. It is disgraceful; like the report circulated that I have been intimate with M. de la Roncière. It's shocking! People seem to think that, because we are poor and lonely women, we can be slandered with impunity.' An advocate of Saumur whom La Roncière had consulted on the subject of the letters attributed to him, was asked as to the characters of Annette Rouault and her sister. He said that they were young ladies about whom people talked, but

were not so discredited, in his opinion, as to render their evidence unworthy of belief. After this singular evidence, the court adjourned until the following day.

The first witness called on July 1st was a glazier employed on September 29th to mend the broken window-pane in Marie de Morell's bedroom. He said that the hole was in the lower square of the left hand pane of the window about four or five inches long. The hasp fastening the two panes of the window which opened door-fashion from the middle was about two feet above the sill of the window. 'A hand,' he said, 'could pass through the hole, but to move the hasp it would be necessary to pass the arm through it; if that had been done the rest of the square of the pane would have been broken; the place in which the hole was must have hampered the movements. To unfix the hasp it was necessary to lift it up; which would have meant raising the arm still higher.' The broken portions of the pane, he said, were *outside* and not inside the window.

The second witness was an architect, Giraud, who had examined the exterior of Marie's room, and the attic above from which it was suggested that Samuel had lowered the rope ladder that had enabled La Roncière to obtain access to the young lady's chamber. He could find no trace on the masonry whatever of any such thing having been attempted, nor on the stone floor of Marie de Morell's bedroom could he find any marks of blood. 'One might,' he said, 'in some extraordinary way put a ladder against a wall and climb up it, but to do it carefully and in a way to leave no trace, it would have required a ladder thirty or forty feet long, and the assistance of two capable workmen accustomed to such a job.'

Berryer.—The witness is giving us his suppositions. I will ask him this question: If a mattress had been placed on the tiles of the projection of the roof between

the attic and the bedroom, does he think that a rope ladder could have come down from above without leaving any trace on the tiles?

Giraud.—I think the mattress might have prevented any trace, but it would have depended on the thickness of the mattress. However, some slates . . . well, it is possible.

Naudin (*Judge*).—Suppose the ladder to be climbed up from below, how many people would be necessary to fix it?

Giraud.—Three, I think.

Naudin.—Suppose it to be climbed down from the attic above, and a buttress made to avoid its coming in contact with the projecting slates, the ladder would necessarily be at a distance from the wall and the sill of the bedroom window (which did not project beyond the wall of the house.)

Giraud.—Certainly it would.

Naudin.—What, on this supposition, would be the distance between the ladder coming from above and the window-sill?

Giraud.—About eighteen or nineteen inches.

Miss Allen, recalled, said that she had swept the floor of Marie's room, but not on the day after the outrage, and had found glass there which she had put in the fireplace. A servant who had been in the habit at that time of sweeping the same room said that she had never found any glass. Miss Allen and the glazier were asked to show the jury on one of the panes of glass of the court the nature of the hole made in the window-pane. Miss Allen drew a perpendicular line on the left side of the left square of the pane showing the glass to have fallen out from top to bottom, up to the place where the hasp was fixed in the woodwork, so that it would have been easy to have reached the hasp with the hand. The glazier showed the glass to have been broken only in the lower part of the

square, so that there was some distance from the angle formed by the break in the glass to the hasp of the window, which could not be reached by the hand alone. In answer to a juryman, Miss Allen said that, until the outrage of September 24th, Marie de Morell had enjoyed perfect health. Asked how it was that, having applied leeches to Marie de Morell shortly after the outrage, she had not seen the injuries which she alleged to have been inflicted on her, she said that Mlle de Morell put them on herself under the counterpane.

The experts on handwriting were the next witnesses to be called. The first of them said that he had examined fourteen letters in all. They were all written by one hand and that hand clever, light in touch and accomplished. They were not all written in the same way. One of them, the smallest, signed 'Marie de Morell,' and addressed to d'Estouilly, was written freely and represented the real handwriting without disguise or imitation of the person who had written and signed that letter. The other letters were a childish attempt to disguise the real handwriting of the writer. He had examined the admitted handwriting of La Roncière. Comparing it with the fourteen letters placed in his hands, he found differences not only in the formation of the letters, but in the character of the writing, the grouping of the letters and the way of making them. It was proved conclusively to his mind that La Roncière was not the author of the anonymous letters.

Against this gentleman's opinion the prosecution set up that of Lieutenant Ambert, who was recalled and asked whether he had not attributed one of the anonymous letters to La Roncière. With quite unnecessary heat he asserted positively that the letter of provocation to d'Estouilly beginning, 'You are a wretch and a coward,' could only be in the handwriting

of La Roncière. 'If all the experts in the world,' he said, 'were to tell me that this letter was not in the handwriting of La Roncière, I should still say that it was. I am convinced that it is his, and his alone!' He then went on to say that La Roncière had always been fond of drawing, making silhouettes, sewing, and making slippers, and other pursuits which showed manual dexterity, though he admitted that if he had tried his hand at imitating other people's handwriting he would have been turned out of the school. As, what he called a moral proof, that La Roncière was the writer of the letter in question, Lieutenant Ambert quoted the phrase in it, 'I am pleased with Ambert.' He said that just before the duel La Roncière had used exactly the same phrase to him: 'M. Ambert; I am pleased with you.'

The third expert went further than his colleagues. He said that the prisoner could not have written the anonymous letters because his own handwriting was very indifferent and inferior to that of the letters. He said that the small letter signed Marie de Morell was in the handwriting of that lady, and so were all the others.

A lively discussion ensued between the last two experts and the advocates of the *partie civile*, as to the possibility of Marie de Morell being the author of the letters. But as the prisoner's advocate pointed out, for him the one and only question was whether La Roncière was the writer of the letters; if he were not, he was entitled to acquittal. The President agreed that that was the principal question to be decided. On that question the experts were unanimous in spite of the vehemence of Lieutenant Ambert.

The evidence for the prosecution concluded with that of the medical men who had attended Marie de Morell. It appeared that, though not subject to actual nervous seizures before September 24th, 1834,

she had always been of a very impressionable disposition. After that date she had been the victim of periodical attacks which one doctor described as of a cataleptic or somnambulistic nature, while another found them to be merely nervous in character. The patient would be seized with a violent pain in the head, her face would be contorted, her head hang from right to left, and she would put her hands at the sides of her nose; her limbs would be convulsed and there would be an entire absence of sensibility. If any attempt were made to check the convulsive movements, the limbs became rigid. At the same time there was no suggestion of mental disease; outside these nervous attacks the mental condition of Marie de Morell was perfectly normal.

The expectation of hearing the speeches of three celebrated advocates on the third day of the trial made the public all the more eager to be present. When the President, owing to the crowded state of the court, ordered all those who could not find a seat to leave, fashionable women, regardless of their crumpled frocks, were seen to kneel or crouch down in order to avoid expulsion.

In the absence of all cross-examination, it is on his address to the jury that the French advocate concentrates all his efforts. Indeed, he will go so far as to decline to cross-examine rather than anticipate his speech. Pressed by Odilon Barrot to question one of the witnesses who had testified against his client, Chaix d'Est Ange said: 'I shall have many things to say about the witness's evidence, but they will be part of my speech; it is only in my speech that I shall show the inconsistencies of the witness's evidence.' Much then would depend on the speeches of the advocates. As the trial had proceeded, it had become evident that the sympathies of those present were on the side of injured innocence against heartless villainy.

At times it had shown itself so perceptibly that the President had been obliged to check it, and the prisoner's advocate to protest against it. Chaix d'Est Ange, matched against Odilon Barrot and above all Berryer, was confronted with a task that would tax to the utmost his skill and resource.

After a few witnesses had been called by the defence who spoke favourably of the general character of La Roncière, Odilon Barrot rose to address the jury on behalf of the *partie civile*. He began by expressing his ' profound conviction of the prisoner's guilt. He spoke of his bad reputation; it was not because of his debts and mistresses; towards these military men showed themselves indulgent; but because of his hard cruel disposition, the cold deliberation which accompanied his misdeeds; it was for this reason that he had passed through five or six regiments before he had reached the age of twenty-nine:—

' If as the cause of these frequent changes I were to consult his record at the War Office, you would see there the reasons for his bad reputation; a groom, a dealer in oats cruelly beaten; a horse driven at a gallop through a crowd of women and children; his fashion of dealing with peasants; and lastly, a mayor arriving, girt in his scarf of office, grossly insulted. So it is that I was not surprised when Ambert said to you, " I did not break with La Roncière because of women or play, because of his youthful escapades, but because of his character which did not accord with mine." So it was that when all the young officers learnt of the fearful crime of September 23rd, when they discussed the anonymous letters, one and all cried out, " It is La Roncière." There was no moment of doubt, of hesitation. One and all knew the character of La Roncière, one and all named him as the guilty man.'

It may be observed in passing, that not one of these

facts alleged against La Roncière on the strength of the War Office record had been proved in evidence, and that Ambert had stated that it was the tastes and habits of La Roncière, not his character, with which he found himself out of sympathy.

Though admitting the strangeness, and at times fatuity of the writer of the anonymous letters, Odilon Barrot saw clearly the motive of the writer. He was going to wreak vengeance simultaneously on four persons, a father who had turned him out of his house, a mother who had rejected his advances, a girl who had told of his rudeness towards her, and a young officer who had been received into the family on more intimate terms than he; 'on the same day, at the same moment he would wreak this quadruple act of vengeance.'

The advocate made a great point of La Roncière's confession. 'You,' he cried, addressing the prisoner, 'you who weep at the suggestion that you have not fought loyally in a duel, you do not shrink from a confession imposed on you under the most insulting conditions; you beseech d'Estouilly not to press you to name your accomplice lest it bring about your ruin.' The prisoner had written to Ambert, 'I know that I am hopelessly sunk in your opinion; I know that it would be painful to you to have to be with me during my few last moments in Saumur.' 'Did not the man,' asked Odilon Barrot, 'who wrote these lines know that he was guilty, realise the feeling of repulsion that he inspired?' He was no less severe on the suggestion made by La Roncière that it was to conceal their daughter's shame that the family of de Morell had brought this charge against him. 'We know,' exclaimed the advocate, 'these men who weep when they are accused of fighting disloyally, of not having fought fiercely enough to take the life of a fellow-man. They weep forsooth! But when it comes to dishonouring a

helpless child, spreading against her some foul slander, perpetrating on her a moral outrage more cowardly and disgraceful than the actual offence, degrading her and all her family, they do it with calmness, carelessness, refinement, as though it were some mere trifling jest. Ah! gentlemen, such a defence is characteristic. I do not see in it the cry of innocence. I see in it the handiwork of a man whose whole life has been a challenge to virtue, who seeks to consummate in the temple of justice what he has begun in the sanctuary of the home.'

Against this picture Odilon Barrot set that of the virtuous child, 'an angel of purity and innocence,' who had never been to the theatre and read nothing but the Bible, a girl of sixteen brought up in the severest principles of religion and morality, the most innocent of virgins. 'If,' he said, again addressing the prisoner, 'this child has not invented the horrible charge against you, if this imagination of sixteen years old has not given birth to this infamous plot, if here in this court of justice she has told the truth and not disgraced herself by a dreadful act of perjury, if she is to be believed and be not a monster of iniquity, then you, La Roncière, you are the guilty man!'

As all the experts were against him it was natural that Odilon Barrot should seek to laugh their evidence out of court. He told the usual stories of their failures. He quoted the opinion of one of their own number: 'There can be no doubt that it is the general opinion of the learned that there must always be doubt and uncertainty in the comparison of handwriting; it cannot do more than furnish a presumption such as it is (*telle quelle*)' 'Open the dictionary of the academy,' said Odilon Barrot 'at the words 'telle quelle,' and you will see their meaning defined as "worse rather than better."' . . . 'I will cite you a case recently come under my notice. A magistrate handed some

documents to experts, on one of which he had made a note in his own handwriting; the experts fixing at once their attention on the note, declared the forger to be—who?—the magistrate himself! . . . There is one expert,' said the advocate, 'more infallible, more certain than the material expert, and that is the moral expert.' In that capacity he asked the jury to regard the letters:—

'Gentlemen—you are some of you fathers! I ask you if a hundred experts were to tell you that these letters, redolent with all the cynicism of vice, stamped with the mark of a fallen and degraded man, these letters which even a dramatist, anxious to portray on the stage the lowest corruption of the human heart, could hardly bring his pen to write; if all the experts in the world were to tell you that these letters had been written by your daughter, a girl of sixteen, brought up in the strictest principles of religion and morality, you would answer them, "No, it is impossible, you lie to me!" You would say it with all the righteous indignation of a father's heart, and you would be right!'

The conclusion of Odilon Barrot's speech was received with considerable emotion on the part of the audience; his colleagues at the bar crowded round him in congratulation, as did the family of de Morell, tears in their eyes. La Roncière is described as having listened to the orator calmly and with an occasional smile.

Chaix d'Est Ange said that he would prefer to commence his speech for the defence on the following day. Before the court adjourned he asked that a paper manufacturer should be called. The witness said that he had compared some of the anonymous letters with a sheet taken from one of the exercise-books of Marie de Morell. The paper was identical; he had placed the sheet on the top of one of the letters and there was not a hairbreadth of difference in the

size of the two; the paper was uncommon in character, being the largest size of school paper with which he was acquainted. The letter alleged to have been thrown into the carriage in Paris was, he said, written on very common paper and appeared to have been torn out of an account book or register of some sort.

IV

THE DEFENCE

When the court met on the morning of July 3rd, Chaix d'Est Ange rose to address the jury. He spoke of the prejudice against his client, so strong that even in his own case he had refused at first to undertake his defence. 'I,' he had said to his father, 'I defend your son! No, he has done a vile thing. I only wish I had been retained for the *partie civile*. I should have regarded the day on which I obtained a verdict against your son as a great day in my life.' But when he had looked into the case, his opinion changed. He realised that it was his duty as an advocate to defend a man unjustly accused by a powerful family, unjustly condemned by blind prejudice. He would pass by a libellous and disgraceful pamphlet which at the beginning of the trial had been sent to the judges, and come straight to the facts of La Roncière's career. He pictured his client's father, a man in whom a purely military life had intensified a natural punctiliousness and marked severity of disposition. He had carried into his home the temper of the camp. His son's character was difficult and he sought to tame it by excessive severity. There was no mutual confidence between father and son, and the latter, as boy and afterwards as a young officer, knew only too well

that if he committed a fault, he could look for no indulgence in his father's heart. The advocate claimed that, but for youthful escapades and those habits of life which were accepted in the army as pardonable in the young officer of the day, nothing serious, in spite of the most inquisitorial and hostile examination could be alleged against La Roncière. 'I would like to know,' asked Chaix d'Est Ange, 'what officer in the school at Saumur, from the General commanding down to the most junior sub-lieutenant, looking back over his whole life, has the right to cast a stone at La Roncière?'

Chaix d'Est Ange quoted passages from a number of letters written by his client to his mistress, Mélanie Lair, as showing the gentle and considerate character of the young man, the unlikelihood of his being the demon of villainy pictured by the prosecution. He showed the absurdity, the folly of the behaviour of the writer of the anonymous letters, the ridiculousness of the suggestion that he had first loved the mother and then the daughter, the strangeness with which he never sought to conceal his identity and openly glorified in his crime. 'You have here,' he said, 'an inconceivable crime committed in an inconceivable way, which reads more like a dream, a nightmare, or some fantastic story from the *Arabian Nights*.' It was suggested that La Roncière had had accomplices in the house:—

'They were no doubt won over by gold; he had bought their services and their silence. But you forget that La Roncière was weighed down with debt, without a penny to bless himself with. In one of his letters, not certainly written for publication, he says, "I have forty sous with which to get through the month, and owe ten francs to Ambert." Are we to believe that these servants in the house of de Morell would risk their place, their honour and their safety

for an insolvent penniless man who could neither purchase their fidelity nor reward their treachery towards their master?'

Of the letters alleged to have been written by La Roncière after his imprisonment, Chaix d'Est Ange was scornful. La Roncière is in prison, an accused man, denying his guilt, and he sits down and writes a letter signed 'La Ronsière,' in which he confesses his guilt. 'No doubt in his agitation,' said the advocate, 'he had forgotten how to save his own skin and write his own name.' As to the letter said to have been thrown into the carriage, Chaix d'Est Ange said: 'Apparently this man, shut up in prison, contrives to find a confederate ready faithfully to carry out his bidding, a confederate who mounts guard in the Rue de Belle chasse, who, without knowing the time or date of the arrival, in the depth of winter, close to a police station, under the very eyes of an officer, patiently and courageously awaits the coming of the carriage. He advances, no one sees him, he strikes the arm of Marie de Morell a violent blow with a stick, seizes her hand and flings it back into the carriage; and yet no one sees him, not the servant on the box, nor the people inside. The blow leaves no trace, and not a soul has seen one single incident of this extraordinary method of delivering a letter.' As to the paper on which it had been written: 'It is a sheet torn from a common and ordinary account book or register. You say it comes from La Roncière who is in prison and has no writing paper and only inferior ink. But you are wrong. He has always had the very best writing-paper, and has used it constantly. I have letters from him written in prison; you can see for yourselves; in writing a letter he has not been reduced to tearing sheets out of some sort of account book. Does it not seem more likely that some traveller, not having at hand his ordinary writing

materials, stops at an inn, finds there an old account book, tears out a sheet and with the muddy ink provided by the inn, writes this letter?'

While not placing extravagant reliance on the judgment of experts, Chaix d'Est Ange accepts their opinion that La Roncière was not the author of the letters:—

'The best of all reasons is that, in order to have written the anonymous letters, he could not have so improved on his own indifferent handwriting. These letters, especially the little one signed "Marie de Morell," are written in a practised and accomplished hand. I know that M. Ambert has said that La Roncière must have written with a good hand because he drew so well; if that were so, then the finest painters in Europe would also write the best hands in Europe. And here I feel it my duty to make a significant comment. You will observe that for the purposes of the examination made by these experts, no search has been made in the house of M. de Morell. You,' addressing the General, 'have never been questioned except on the days, at the hours and times that suited you. When you were first asked for specimens of your daughter's handwriting, you said twice that you had not got any. In the end you brought to the magistrate just such specimens as you chose. That is how the whole case has been conducted. The bare word of the house of de Morell has been held sufficient. Proofs! Can one ask proofs of the Baron and Baroness de Morell? . . . Such is the treatment accorded to the accuser. But for the accused, his whole life is ransacked and ravaged, the inmost secrets of his heart laid bare. . . . And what is the result? I am no expert, but I declare to you gentlemen, on my soul and conscience, that the handwriting of La Roncière is not a good handwriting, but heavy, cramped, and awkward. And not only is it alleged that La Roncière

wrote the so-called anonymous letters, all of which give evidence of a well-taught hand, but that he wrote also the note signed " Marie de Morell." That letter is written in a light, ready, and accomplished hand; it is written from start to finish without hesitation or mistake. Are we to believe that for three months the defendant has been busy tracing the different words used in this letter and reproducing them with all the skill that a practised forger would devote to a single signature? No. It is not suggested that Marie de Morell has ever sent him a model of this letter. One thing is certain; no forger, however skilled, could have reproduced so exactly in every point this light and elegant hand, the hand of a woman accustomed to writing, and writing well. Look, I ask you, look at that little letter signed " Marie de Morell," say if it be in the handwriting of La Roncière, say if it be not rather word for word in the handwriting of Mlle de Morell.'

Chaix d'Est Ange dismissed as unimportant the fact that when the General sent for La Roncière to order him from his house, the latter had picked up his cap before going into the General's presence. But why did he accept the General's dismissal without a word of protest? That the advocate attributed to his client's want of moral courage, a man physically brave, but morally weak to the last degree. He contrasted the spirit with which La Roncière, alone with the examining magistrate, had faced the charges made against him, with the weakness and embarrassment he had shown in the open court: ' In presence of an audience who stare and murmur at him, he stammers, he is troubled and bewildered. If he can give a bad answer, a bad reason, he gives them; when he is pressed for an answer or explanation which he has given a hundred times before the magistrate, he turns to me and says, " My advocate will answer for me "

. . . Forgive him; we, though we have not been his friends or comrades, we will not call him a coward because he has not that sort of courage which enables a man to keep calm and collected in the dock, and meet with calm assurance a charge of which he knows that he is innocent.'

Chaix d'Est Ange did not seek to minimise the more serious fact against La Roncière—his confession of the authorship of the anonymous letters. He reminded the jury of the young man's stormy past and recalled his father's words to him: 'If you commit one more offence, I shall no longer recognise you as my son.' He reminded them that, before he went out to fight d'Estouilly, he had said to his second, Bérail, 'I am innocent; here is some of my handwriting; if I fall, compare it with this anonymous letter about which we are fighting; and defend me yourself against these odious charges.'

In the following passage Chaix d'Est Ange summed up the causes that had led to his client's avowal of guilt:—

'Gentlemen, in former days when in the torture chamber, stretched on the rack, a wretched prisoner cried out for mercy and in the agony of his suffering exclaimed, "I am dying! I confess my guilt!"—would you have believed such a confession? And if, after he were set free, he had said, "See how my limbs shake; all life and strength had gone from me when I confessed; but before God I swear that I am innocent," would you have answered that he had confessed and therefore must be guilty? Gentlemen, with some men there is a moral torture more powerful than the physical. For such men you may prepare your rack, heat your irons, boil your water, no physical suffering will daunt their courage. But moral pain, that they cannot endure. La Roncière is one of these. He is ready to face torture, death; but at the idea of

a court martial, the report of experts, who, he is told, have decided unanimously against him, in the presence of such considerations he is afraid. His courage fails him. To avoid a scandal he writes, "I am guilty." But don't forget that at the very moment that he writes the letter, that he delivers it, he says, "I swear on my honour that I am innocent, my only hope in confessing is to spare my family pain?" I repeat, gentlemen, if a wretched man, overcome by physical suffering allows a confession to escape his lips, you would not have the courage to say, "This man is guilty; he has confessed; true, his confession has been wrung from him by pain; but no matter, he has confessed, he must die." I ask you to treat La Roncière in the same way; do not accept his confession; it is not free, spontaneous, but dragged from him by moral torture, the result of that weakness, that want of moral courage which you know now to be a part of his character.'

Chaix d'Est Ange went on to deal with the events of the night of September 23rd. He showed that on that night La Roncière had been seen at the theatre by the General himself, and proved the worthlessness of the statement made by a witness who had not come forward till the first day of the trial, to the effect that he had seen the servant Samuel meet a man in a gray cloak outside the General's house about nine o'clock the same evening. He defended the characters of the Rouault sisters with whom La Roncière lodged against the attacks made on them:—

'M. de Saint-Victor, who has collected so assiduously all sorts of false rumours and slanders on the antecedents of the defendant, has dared to say that, if the Rouault girls were not inscribed in the police register, they deserved to be. You heard the reply of these young women, "Because we are poor and defenceless they seek to cast stones at us." Words

only too true, alas! words which fill me with indignation. Are we in the sanctuary of justice? Are the scales held fairly for all? Or has the bandage been torn from her eyes, equality banished from her temple? A girl, rich and influential, appears on the scene; she is at once surrounded with every form of consideration and protection. A word of doubt, a breath of suspicion uttered against her! Good God! Such a thing is an unpardonable offence which even the rights of the defence cannot excuse! But let a poor girl appear, humble and unprotected, and what licence is extended to the evidence of the witnesses, and the rights of the prosecution!'

It had been suggested that La Roncière after the house-door of his lodging had been shut, might have got out by the window, but no trace of such a proceeding had been found by the architect who had examined the house. How had La Roncière got into the chamber of Marie de Morell? The front of the General's house was covered with white chalk. There was a sentry box on the other side of the bridge, and a patrol crossing and re-crossing it. It was a bright moonlight night. It was unlikely that a man would not have been seen against the white wall of the house ascending and descending a rope ladder. Of this ladder no trace had been found, in spite of the most exhaustive search in shops, wells, ditches, everywhere. On the front of the house there was no trace of this escalade by means of a ladder forty feet long, perpetrated by a man in a large military cloak and wearing on his head his cap, which had apparently never left it during the whole of this agitating exploit. As to the condition of the broken pane of glass, the advocate said that he preferred the evidence of the honest glazier, whose business it was to attend to it, to that of Miss Allen or that of a gentleman who, eight months after the event, said that he had driven

by the General's house and noticed on the second floor a pane of glass broken diagonally.

Chaix d'Est Ange made a strong point of the fact that, during the whole of the alleged scene between Marie and her assailant, the girl had never uttered any cry to rouse the house to her assistance. Miss Allen was only next door; without uttering a sound Marie de Morell allows a man to enter her room, throw her down, tie her up and gag her ineffectually with a small pocket-handkerchief. Not until the villain has completed his handiwork does she cry out; and Miss Allen, roused by Marie's cries, realising the horror of the situation, striving to open the door between their two rooms, would seem to have been equally silent. And then, after this awful thing has happened, appalling, terrible, the young lady waits four hours before acquainting her father and mother with the dreadful event.

And the parents! The day following the outrage, the writer tells them that he has robbed their daughter of her honour. What steps do they take to find out the truth of this shocking statement? None! Why? Because, says her mother, of her daughter's virtue, her innocence, her sixteen years. Not until three months after the occurrence is any examination made of their daughter's real condition.

The advocate approached the most delicate part of his task:—

'I am told that this is a duel between my client and the family of de Morell; either this man must be convicted or the family are ruined. I am convinced of the innocence of La Roncière, at the same time I have not the heart to accuse you, but you force me to it, take me by the throat and insist that I shall not escape. If I refuse, you will say that it is because I believe my client guilty. Very well! persuaded of his innocence, I will refuse no longer. Though public

sympathy is against me, though even the honest words of an advocate are greeted here with murmurs of dissent, I will not, I dare not be silent.'

Chaix d'Est Ange began by suggesting that it was not impossible for a young girl, however strictly educated, to have heard or seen on walls the coarse words contained in the letters; and he asked whether any mother in the world could say for certain that her daughter had never read a novel. He spoke of the anonymous letters received in the General's house in the November of 1833, and the April of 1834; and of the story, apparently without foundation, which Marie had told to her mother of the man throwing himself into the river and being fished out by the watermen. The very day following this occurrence he reminded the jury that an anonymous letter had been found in the General's house. 'Have we not here,' asked Chaix d'Est Ange, 'the beginnings of a distressing form of illness which induces dreams and hallucinations? You, my opponents, and you who, forgetting the place you are in and the consideration due to the defence of an accused man, murmur at my words, you should be the first to appreciate the reticence I employ when I say that here we have to deal with some indefinable complaint which troubles Mlle de Morell, which works on her imagination, makes her believe herself the victim of a man who is pursuing her, and throws her into the arms of the strange and marvellous.'

In conclusion Chaix d'Est Ange alluded to a case that had occurred in 1813, in which a certain Countess de Noirmont had been found one morning, dragged apparently from her bed into an adjoining room, laid on a sofa and there forced to drink a poisonous mixture containing turpentine. The same morning a packet of letters had been found under the windows of the Countess's house which implicated Julie

Jacquemin, a former maidservant of the Countess, in the commission of the crime. It was only after Julie Jacquemin had been convicted and sentenced to death, that it was proved that the whole story told by the Countess was a fabrication; a new trial was granted and the unfortunate maidservant acquitted.

'What had driven this woman of title, of high social rank, to tell all these lies? Who had tied her up and forced her to drink the poison with which her lips and breast were blackened? Who had accumulated all these proofs of outrage? Why! She herself! A fearful love of the marvellous had impelled her to these falsehoods. And so it is that into the hands of Mlle de Morell, brought up, I willingly admit, strictly, severely, a novel happens to fall. Little accustomed to such literature, impressionable in character, the effect of such reading becomes all the more disastrous when it coincides in point of time with the first symptoms of that dreadful illness which affects her mind and disturbs her imagination. You cannot on the evidence of such a witness, on the sole word of Mlle de Morell, find M. de la Roncière guilty of committing a crime which would prove him to be the most infamous of men, of committing without motive, in the teeth of all likelihood and probability, the most cowardly, the most disgraceful, the most atrocious of outrages.'

Brilliant as was the speech of Chaix d'Est Ange in the estimation of those who heard it, it was not received sympathetically by the majority of the listeners. He himself had complained of the unfriendly interruptions which had greeted certain of his arguments. Very different was the reception accorded to the comparatively brief reply of Berryer.

The orator began by contrasting Marie de Morell and La Roncière much to the advantage of the former. The jury would have to judge which of the two was

the more likely to be guilty. 'My choice is made,' he said, 'I have no doubt, no uncertainty, I am deeply, immovably convinced that La Roncière, and he alone, is the guilty man.' As to his motives Berryer frankly declined to attempt to specify them:—

'Do you think to shake my judgment by asking me to explain this crime, to tell the jury the motives of this fearful offence? No, gentlemen, there are certain conceptions of the human mind that I am proud not to be able to understand; there are acts of wickedness which I can believe, though I cannot conceive; happy are those honest men who, whilst compelled to recognise the existence of devilish ideas and infamous acts, cannot bring their intelligence to comprehend them. Do not expect me to explain to you what is inexplicable in the proceedings of the prisoner; do not expect me to enter into his strange, his various, his monstrous ideas.'

The advocate contended strongly for the reality of the illness of Marie, and dismissed the idea that it was hallucinatory in character. 'That is no hallucination which leaves marks of bites on the wrist, which inflicts wounds on the body, scratches on the arms, bruises on the breast.' At the time at which he was speaking, Berryer may be pardoned if he were insufficiently versed in the accomplishments of hysteria.

It cannot be said that the speech of Berryer added much to the arguments already adduced by Odilon Barrot. It was rather by the moving character of his eloquence and the power of his personality that he was expected to add strength to the cause of the family of de Morell. 'To read the speeches of Berryer,' said one critic, 'is like trying to realise the grandeur of a volcanic eruption by gazing on the morrow at the hot ashes and charred minerals.' The power of his speeches lay in the man; without his magic presence, his look, his gesture, they make but indifferent reading.

What all the magnificent periods in the world could not attain Berryer could achieve by one word, one significant movement—by that indefinable something that is called genius. At the end of his speech in La Roncière's case everybody was weeping, the orator himself, the family of de Morell, the whole audience. In the last of the anonymous letters a suggestion had been made that Marie de Morell had been seduced by a manservant:—

'Ah, poor mother! Hapless father! a prey to severe illness you sit listening to me motionless, unable even to shed a tear; in order to stifle your awful secret you were obliged to give ghastly entertainments. When at length this unhappy man (pointing to the General) has been dragged into court, you (pointing to La Roncière) say to him, "Fearful for the honour of your child you will never face a public trial, you will resist it to the utmost rather than publish to the world the fact that your daughter has been ignominiously ruined by a manservant; you will never dare to face such an exposure, and I shall be saved." That was your hope, to terrify father and mother into silence—and so you wrote that letter, you, La Roncière, you!'

Dealing with the silence of Marie de Morell on the night of the outrage, of which Chaix d'Est Ange had made so great a point, Berryer said:—

'Surprise has been expressed, gentlemen, at the silence of Mlle de Morell on the night of September 23rd. These two young women, agitated, bewildered as they were, uttered no cry—and you bring it up against them! But how could it be otherwise? This very silence of theirs is the most conclusive proof of the reality of the crime and the truth of their story. If it had been a thief, a man breaking in to steal money or jewellery—if the whole thing had been an invention—ah! then they would have roused the whole house, waked all the inmates by their cries, or trusted to the

night, the darkness to conceal their trick. But this is different; it is an outrage, the shame of it restrains this young girl—"What has he seen?" she cries, "What has he done? Hide me, Miss Allen"—Ah! I can well understand why she did not cry out! She is a virgin, she is filled with shame, she dares not show herself to her mother who has taught her so often the lesson of modesty. When in the daylight she does see her, she still hides her body from her. "Allen! Allen! Go and tell my mother; go and find her" . . . I, a man, I may not be able to understand why she is so tortured at having to make known to all her humiliation. But I appeal to the heart of every mother!"

At the conclusion of the speech of Berryer which, comparatively brief as it had been, had powerfully affected a friendly audience, the court adjourned.

July 4th was the last day of the trial. After a speech in defence of Samuel and a few words on behalf of the maid, Julie, against whom the prosecution had announced their intention of not asking for a verdict, it was the turn of Chaix d'Est Ange to make his final reply on the whole case. One of the most effective portions of his speech was his reply to Berryer on the subject of the defendant's motive:—

'Yesterday I saw how you were at a loss to explain anything, and trusted to the poetic inspiration of your genius to get you out of the difficulty. You sought from this genius of yours explanations which you could not get from the facts, or shall we say that it impelled you to confess that you could explain nothing? and therefore you exclaimed, "Is it for me to fathom the motives in such a case? I am too honest a man to understand things of this sort." And so because you are an honest man, you think the prosecution are absolved from explaining anything; because you, a man of character, are the accuser, you need prove nothing. Entrenched behind this character of yours,

too innocent to understand such a crime, all you can say is "Take my word for it." In vain I ask you to explain the charge, to give me proofs, to meet all the moral and material impossibilities in the case. What are these miserable requirements of an ordinary prosecution to you? For you it is sufficient to reply "I am an honest man; there is the culprit, take my word for it, he is guilty, and convict him." I say no, a thousand times no. Justice, whose duty it is to protect the innocent, cannot be put off by tricks of speech. Away with all these appeals to the emotion, to tears, to passion! Let us come to the facts; proofs are what the jury want, not tears which you have brought even to my eyes; proofs are what they ask before sending a hapless man to the scaffold; proofs they demand and proofs they must have.'

Having shown once again the extraordinary difficulties in the way of accepting the story of La Roncière's climbing by means of a rope ladder into the chamber of Marie de Morell, Chaix d'Est Ange recalled to the jury the fact, overlooked during the progress of the trial, that it lay with the prosecution to prove the commission of the alleged crime. 'You are asked,' he said, 'to explain how it happened, and you answer, "I am not obliged to explain it." I reply the prosecution must explain, must prove all that they allege. If you can only lay to our charge a crime that is inexplicable and impossible, you fail, and all your eloquence, that most mischievous of weapons against an innocent man, cannot save you from disaster.'

The points he had made in his previous speech Chaix d'Est Ange emphasised in his second. Toward its close he began to show signs of exhaustion, of the strain to which now for the sixth day in succession he had been subjected in fighting for his client against the strong prejudices of a hostile environment. After dwelling on the singular conduct of Marie de Morell,

on the strange occurrences that had taken place even before La Roncière had come on the scene, on the peculiar nature of her illness, he concluded:—

'I know nothing, nor is it my duty to explain the mystery. It is my duty to tell you that the defendant is innocent. I say and I aver it, though in doing so I am sustaining a cause which it has required some courage to defend and which I confess I had hesitated before defending. But it is a noble task, yes, gentlemen, I repeat, a noble task for an advocate, it is his right and his privilege to take up a case in the face of public opinion, to defend an unhappy man who is being hurried to the scaffold by blind prejudice, to fight with his back to the wall against men who judge without thinking, condemn without knowing, who show openly their dislike and distrust of his client, merely because they refuse to listen to a word of the defence, and accept blindly all the allegations of the prosecution. Yes, it is the high and sacred duty of our profession to stand by and defend a man deserted by those nearest to him, renounced by his friends, rejected by all the world; it is as the duty of the priest who is faithful to the condemned man placed in his charge, who in face of the clamour of the mob accompanies him to the scaffold and sends him absolved before his Maker. So am I faithful to this innocent man. In the face of the angry murmurs of his enemies I raise my voice on his behalf, and send him absolved before his fellow-men. You, gentlemen, in your turn fulfil your duty. In the midst of all the uncertainties and improbabilities that surround this case, in the face of the impenetrable mystery that enfolds it, put your hands on your hearts and say, "Go free." It is life or death which we await at your hands.'

V

THE JUDGMENT

It now only remained for the President to sum up the case to the jury. There are few verbatim reports of the charges of Presidents of Assize; if reported at all, they are generally given in a very condensed form. But of President Ferey's charge in this case, we have a complete report. It is a model of the strictest impartiality and so stands out in strong contrast with the usual tone of such addresses. In 1881 the summing-up by the presiding judge was abolished on the ground that the attitude of the Presidents of Assize was as a rule so hostile to the prisoners that, in most cases, the summing-up was little better than another speech for the prosecution. No such reproach could be urged against that of President Ferey. The first part of his charge was a statement of the arguments adduced by the prosecution, and the second a fuller statement of those urged by the defence.

Two points raised by the defence were, he said, of capital importance in regard to the letters. Most of the letters were undated and had not gone through the post; those alleged to have been written by La Roncière from Paris, after he left Saumur, bore the Saumur postmark. Therefore coincidences drawn from the letters between statements contained in them and the acts of La Roncière were of little value. For instance the letter, in which La Roncière had said he would be waiting in front of the house and was then seen on the bridge by the General, bore neither date nor stamp.

The President showed that the alleged motives of

La Roncière in writing the letters were unreasonable in the highest degree. Did he wish to avenge himself for the disdain with which Marie de Morell had treated him? But he had hardly ever spoken to her and had never shown her any attentions. Did he wish to seduce her and then oblige her parents to give her to him in marriage? If so, he had adopted the most insane means for arriving at such a result. Was it to punish the General for having dismissed him from his house? But the letters had begun before that incident and La Roncière had written to a third party expressing gratitude toward the General for having invited him to his parties. Was it jealousy of d'Estouilly? But there was no evidence of any projected marriage between that officer and Marie, and La Roncière had no reason to be jealous of any greater favour shown to d'Estouilly, considering that he had never paid any attention to Marie de Morell himself. 'There is,' he said, in stating these arguments for the defence, 'no probable or possible motive for the crime; it is provedly preposterous.'

In reference to the illness of Marie de Morell, the President commented on its mysterious and indefinable character. 'Are there not,' he asked, 'fearful diseases which not only affect the body but attack also the imagination and so disturb it as to give to a person's acts all the appearance of perversity, while leaving the soul itself pure and innocent? May not such a malady have attacked Mlle de Morell? May we not find in that the clue to an apparently insoluble mystery?' The defence, he said, had pointed out that the real question for the jury was simply the guilt or innocence of La Roncière: 'The alternative the prosecution would seek to force on you of choosing between the guilt of La Roncière or Mlle de Morell might well result in a miscarriage of justice, for it would oblige you to choose between

two probabilities, whereas it is on certainty alone that your verdict should be based.'

The judge put these points as points for the defence, but he was careful, too careful perhaps, to refrain from giving the jury any hint as to his own opinion. If it be the duty of a judge in charging a jury to help them to a decision by the benefit of his experience and the indication of the relative value of the evidence, this President Ferey failed to do. He ended his charge by telling the jury that they must look to their consciences as their true guide; these would be unmoved by mere speeches and would not suffer them to be diverted from the truth by extraneous considerations; they would reject whatever was doubtful, knowing that their verdict must be founded on clear, sure, and incontestable proof.

At a quarter to five the jury retired. They were out altogether six hours and ten minutes. A little before eleven they came back into court. By a majority of more than seven they found La Roncière guilty of having attempted to commit an outrage on Marie de Morell, of having failed in that attempt through circumstances independent of his own will, and of having wilfully wounded Marie de Morell. By a majority also of more than seven they gave the prisoner the benefit of extenuating circumstances. Samuel Gilieron and Julie Génier were acquitted. The court condemned La Roncière to ten years' imprisonment. The prisoner who, in spite of the comforting assurances of his advocate, had anticipated an unfavourable verdict, received his judgment in silence. To Chaix d'Est Ange, the verdict of the jury came as a stupefying blow.

An appeal was taken to the Court of Cassation, but it was unsuccessful.

After the conviction of La Roncière, public opinion veered round in his favour. It was felt that possibly

a miscarriage of justice had taken place. The fact that the jury had accorded extenuating circumstances to the perpetrator of an outrage which, if committed, had no circumstances of extenuation about it, was looked on as implying a doubt on the part of the jury as to the correctness of their verdict. In the same way have our own Home Secretaries commuted the death penalty in certain cases of murder where only a doubt as to the satisfactoriness of the jury's verdict could justify such clemency towards the perpetrator of the crime. The President Ferey is reported to have said, 'I would sooner have cut off my hand than have signed such a judgment,' and shortly after the trial he made more than one effort to procure a revision of the sentence. Berryer himself, a few years later, speaking of the case said: 'That verdict, till now a subject of regret, is beginning to become one of remorse.'

The prisoner's father was untiring in his efforts to plead his son's cause with the world. Hearing that Lord Abinger, formerly Sir James Scarlett and at this time Chief Baron of the Court of Exchequer, had written to a friend who was a member of the French Government expressing his surprise at the verdict, General de la Roncière asked the judge whether he would send him an expression of his opinion on the conviction of his son, which he might be at liberty to make public. This Lord Abinger consented to do. He said that the confession of La Roncière of which so much had been made, seemed to him to have been wrung from him by threats and inducements such as deprived it of all weight judicially, and pointed out that in an English trial such a confession would not have been admitted as evidence. An examination of the specimens of handwriting, which the General had sent him, confirmed his opinion that La Roncière was not the author of the letters. Lord Abinger criticised

the circumstances under which Marie de Morell had been allowed to give her evidence, 'circumstances which prevented all possibility of cross-examination by the counsel for the defence, and gave the whole trial a powerful dramatic effect little calculated to preserve that atmosphere of calmness and tranquillity necessary to the impartial administration of criminal justice.' 'You sir,' he concluded, 'as a father may well cherish the conviction of your son's innocence. As a foreigner, having no other interest than a love of justice and the ordinary feelings of humanity, it is enough for me to say that neither the brilliance of the advocates nor the weight of the evidence adduced against the defendant carry sufficient force to persuade me of his guilt.' This expression of Lord Abinger's opinion did not have altogether the effect that General de la Roncière had hoped. By many of his own countrymen it was looked on as an unnecessary and impertinent reflection on the administration of justice in France and, worse still, as reflecting on the conduct of French officers.

From Germany, in the person of a Dr Matthaei, one of the physicians of the King of Hanover, came medical testimony to what was really the crucial point of the case, the mental and physical condition of the alleged victim of the crime. He cited a number of cases in which young women had concocted false charges and inflicted injuries on themselves as the outcome of a peculiar mental condition. To-day cases of this kind are recognised as occurring under the influence of that most protean of diseases, hysteria; to-day, in the present state of medical knowledge of nervous disease, the conviction of La Roncière would be an impossibility. But in 1835 these things were but imperfectly understood. Auto-suggestion, hallucination, pathological lying, are now acknowledged symptoms of certain forms of hysteria. Already

before she met La Roncière, Marie de Morell had been guilty of writing anonymous letters and inventing untrue stories. Growing into womanhood this aberration became erotic and periodical in its manifestations. She meets La Roncière, this gay dog, this reputed Don Juan, this type of the attractive villain of the romances of the day. The morbid imagination of the girl is fired, and in the accesses of hysterical attacks she invents a story which would seem in some perverse way to have gratified her immature desires. That this girl should have allowed an innocent man to go to prison, possibly to have gone to the scaffold, on her own false evidence is unfortunately quite consistent with this particular form of feminine crime. 'The condition,' writes one authority on hysterical disease, 'which in 1835 M. Chaix d'Est Ange described as indefinable, we recognise to-day as hysteria. A distinguished alienist who sat near Mlle de Morell during the trial has told us that the hysterical character of her nervous condition was undoubted.'[1] It is a significant fact that during her later life Marie de Morell was a regular patient of the famous Dr Charcot.[2]

The powerful influence of Marshal Soult, who was related to Mme de Morell, the high social position of the family were successfully exerted to prevent any immediate reconsideration of La Roncière's case. In 1843 however, the King, Louis-Philippe, remitted two years of his sentence. In 1849, after the fall of the July Monarchy, Odilon Barrot, then Minister of Justice, reported favourably on the rehabilitation of La Roncière, and in 1850, after a full inquiry into the case, he was made a Commandant in the National Guard. He afterwards held a number of high colonial

[1] Legrand du Soulle, *Les Hysteriques, État Physique et État Mental*, Paris, 1891.

[2] Fourquet, *Les Faux Témoins*, Chalon-sur-Saône, 1901.

appointments and retired in 1869, having received the Legion of Honour. He died in 1874.

Marie de Morell some few years after the trial married a distinguished diplomatist, the Marquis d'Eyrargues. After her marriage she retired into Normandy, where she enjoyed the reputation of being a good mother and a kind and charitable lady. Lieutenant d'Estouilly left the army soon after the events of the trial, became a religious mystic and died at an early age in a convent in Syria. Ambert rose to be a general in the army and was the author of some religious works. He died in 1890.

THE CALVARY OF PETER VAUX

The Calvary of Peter Vaux

I

THE VILLAGE SCHOOLMASTER

The little French village of Longepierre is situated on the right bank of the River Doubs, close to the point at which that river joins the Saône. It lies on the confines of the Burgundy country, in the department of Saône-et-Loire. In the middle of the last century, when this history opens, Longepierre numbered seven hundred inhabitants. The village itself consisted of some hundred houses grouped round the village church. These were for the most part roofed with thatch, only a few of the more important dwellings having tiled roofs.

The inhabitants of Longepierre at the time of our story, were divided sharply into two distinct groups, the well-to-do peasant proprietors, possessing their own land, and the poor, the day labourers, who worked for hire. The former class, known as 'the notables,' selfish and rapacious peasants, oppressed and exploited their less fortunate brethren; they had all the vices and none of the virtues of an aristocracy. The labourer, whose daily wage varied from twopence halfpenny to threepence, lived in a state of miserable indigence, dependent for his very existence on the favour of the notables. In nothing was the selfish unscrupulousness of the latter shown more clearly than in their treatment of the common land belonging to the village. This extended to some two hundred acres. The notables, having plenty of arable land of their own, occupied

the common land as pasturage for their cattle. The labourer, having no cattle, could take no advantage from his rights in the land. Nor had he the power to insist on any portion of it being given over to cultivation. When he tried to get some profit out of it by sending sheep and geese to feed there, the notables, through the municipal council which they controlled, forbade the feeding of sheep and geese on the common land. So things remained in Longepierre until a law passed in 1837 gave to municipal councils the right to administer and lease out common properties. But the municipal council of Longepierre showed no inclination to avail themselves of these new powers. They dreaded the greater independence of the labourer, should he become, in however modest a degree, a landed proprietor. After two years of opposition, however, the council were at length compelled to yield to the popular demands. In 1839 the common land of Longepierre was divided into allotments; these were distributed among the heads of families of the village, to be held on a nine years' leasehold.

The effect of this arrangement on the prosperity of Longepierre was immediate. Both materially and morally the change raised the village from a state of misery and ignorance to one of contentment and progress. Wages increased; the labourer found himself able for the first time to pay the small sum necessary for the education of his children; the consciousness of proprietorship gave him greater dignity and self-respect. But at this happiness and prosperity the notables looked askance. They felt that they had been humiliated by the concessions wrung from them. They hoped when the nine year leases were expired to put things back into the old condition. To them the increased wages and the loss of free pasturage were in no way compensated for by the greater happiness of their fellow-creatures.

It was in the year 1844 that there came to Longepierre as teacher in the village school the hero of this story. Peter Vaux was born on the 8th of January, 1821, at the village of Molaise in the neighbourhood of Longepierre. His father was a farmer. He died a year after the birth of Peter. His mother married again. With the help of a small factory which she set up for the making of colza oil, Peter's mother was able to bring up a large family. Peter was apprenticed at sixteen years of age to a shoemaker, but his superior intelligence marked him out for something better. He entered the Government schools and by dint of hard work and good conduct, passed out of the École Normale at Mâcon in the first class, thus qualifying himself to become a teacher in the district schools. At this moment the commune of Longepierre stood in need of a master for their local school. Peter Vaux was highly recommended to the municipal council, on whom fell the final choice, by the educational authorities of the district. In spite of some opposition, Vaux was elected to the post and in November of 1844 took up his duties at Longepierre.

It was a fatal day for Peter Vaux when the municipal council of Longepierre chose him as their schoolmaster. But the enthusiasm of youth, his natural strength of character, his self-confidence, his generosity made it seem to the young man a great day, the opening of a career in which he might fulfil his ambition to serve his fellow men to the utmost of his powers, and serve above all the sacred cause of truth and justice. 'Do your duty, come what may,' was a phrase often on his lips, and to Peter Vaux it was no idle pretence. It was an article of faith. Believing devoutly in God, not the God of a church, but a Supreme Being, the source of ultimate truth and justice, Peter Vaux had all the ardour and courage of

the true believer. With the inexperience natural to youth he was rather too downright and independent to please those whose opposition or prejudice he felt it his duty to combat, but of his goodwill, his sincerity there could be no question. His personality was strong and dominating. Tall, well-built, he was a fine if not handsome man. His features, slightly marked by small-pox, were regular. The most striking of these were his eyes. They were gray, surmounted by thick eyebrows quick and penetrating in their glance, reflecting the force and energy of his will. His forehead was broad, his mouth large and with good teeth, his hair chestnut in colour. He wore what was rather unusual at the time, a short moustache. A year after he came to Longepierre, Peter Vaux married. He had met at a wedding a handsome girl named Irma Jeannin. She was the daughter of a prosperous farmer. She had received a good education which helped her to appreciate the intellectual superiority of such a man as Vaux. In spite of the fact that the schoolmaster was without any means except the salary he earned, the parents of Irma Jeannin accepted him as a son-in-law. The marriage was in every sense a happy one. Vaux showed himself to be a devoted husband and father.

Such was Peter Vaux. He had not been long in Longepierre before his energy made itself felt. He persuaded the municipal council to enlarge the village schoolroom, which was small, airless, and insanitary, and furnish it with proper desks. By a curious arrangement village schoolmasters at this time were empowered to act as secretary to the local mayor. Vaux accepted the post, but, finding the remuneration utterly inadequate, applied to the council for a modest increase of salary. This was refused him, and to the astonishment and indignation of the councillors, the schoolmaster dared to resign the office. But he

expressed his willingness to continue to discharge the duties of the post as a private individual, until a successor could be found. The firmness of Vaux's attitude and the difficulty of replacing him won the day; the increase of salary was voted, and he resumed his duties.

Another reform, far more important in character, was brought about solely by the energy and determination of Vaux. This was no less than the providing of free education for the children of the village. At the time of the appointment of Vaux the school fees were unequal; some paid fifty centimes a month, others sixty or sixty-five. Vaux pointed out this anomaly to the authorities, and was instructed to levy a uniform fee of one franc a month. The poorer members of the community complained to Vaux of this higher charge. To these the schoolmaster replied that the municipal council were in good funds, well able, if they chose, to pay the school fees out of their own pocket, and so give the village the benefit of free education. The proposal was placed before the council who received it in no friendly spirit. Those who wanted education, they said, ought to pay for it. The attitude of Vaux was resented, complaints were made to his superiors. Vaux received a letter from an inspector of schools, in which he was told that the Prefect of the department approved of the view taken by the council of Longepierre and that he was to give way, and not press the matter any further. In spite of this caution, Vaux continued his efforts, and by his energy and perseverance brought them to a successful conclusion. At the beginning of 1848 the council were compelled to vote that henceforth education in Longepierre should be free.

The year 1848 was a critical year in the history of Europe, a year of revolution. It was critical in the history of France. It began with the triumph of

democracy in the overthrow of Louis Philippe and the foundation of the Second Republic; and ended with the first step towards reaction as shown by the election of Prince Louis Napoleon Bonaparte to the Presidency of the Republic. These events had an important bearing on the fortunes of the little village of Longepierre and on those of Peter Vaux. But before we follow these fortunes, let us pause and introduce the villain of our story, as complete and thorough-paced a villain as ever figured outside the pages of romance. In 1848 he comes on the scene as a protagonist in the tragedy. Let us see what manner of man he is.

Gallemard is his name. He is about fifty years of age. He is innkeeper, grocer, and holds the Government licence to sell tobacco to the village. He is a short, fat man with a hairless face, diffident, humble, insinuating in manner, soft-spoken, with shifty gray eyes. This 'faux bon homme' has Uriah Heep's habit of rubbing his hands and a Job Trotter-like gift of ready tears. Gallemard had begun life as a gardener to a gentleman in the neighbourhood of Longepierre. During his master's absence a considerable theft had taken place in the house. Though no legal steps were taken, the master was unkind enough to harbour a conviction that the gardener was the thief. In 1827 Gallemard had come to Longepierre and set up business as a tavernkeeper. By none too scrupulous trading and the grant of the tobacco monopoly Gallemard began to make money. He became a person of consequence in the village. He was a man to be feared, this honey-tongued publican. It was said to be dangerous to be his enemy; one had had his house burnt down; Gallemard suggested that he had set fire to it himself, and for a few days the unfortunate man was placed under arrest.

There was a bibulous old man in the village who possessed some property. Whilst under the influence

of drink in Gallemard's tavern, the old man parted with his property to the innkeeper in return for an annual allowance. Shortly after, at harvest time, Gallemard took his pensioner out with him into the fields to help him load his hay. The old man, half drunk, was standing in the cart, piling up the last bundles of hay, when suddenly the horse was whipped up. It started off with a jerk which threw the old man to the ground. He died of his injuries some months later, and was so ungenerous as to accuse with his last breath Gallemard and his son-in-law, one Pichon, of having murdered him. These sinister occurrences took place at a time when the village was too excited by other events to pay full attention to them, but they did not diminish the dislike mingled with something of fear with which the innkeeper was regarded.

Foremost among these events were the Revolution of 1848, the fall of the constitutional monarchy and the coming of the Republic. To Peter Vaux the change of government brought the keenest satisfaction. He was an ardent republican. Born of the people, his one desire was to serve the people, to be the champion of the poor and oppressed against the forces of wealth and privilege. He saw in the revolution a great opportunity for righting the wrongs of his fellow-men in Longepierre. Twenty-seven years of age, the zeal of Peter Vaux was the natural outcome of an unselfish and generous nature. He belonged to a profession notorious for their republican sympathies. Fearless where duty was concerned, he was prepared to face all danger and opposition, utterly regardless of his own interests where they conflicted with what he believed to be the interests of truth and justice. It was in vain that his wife counselled prudence, that his friends warned him that in taking up the cause of the poor against the rich, he would be

a fool for his pains. His mother-in-law on her death-bed said to him, 'Vaux, my son, you are a good man, an honest man. Bring up your children to the best of your ability, and don't busy yourself so much with the Republic. It will bring you nothing but misfortune.' But Peter Vaux was deaf to all such warnings, prophetic as they were. His heart and conscience rejected all paltering with plain duty. He must go on, come what may.

Quite other were the feelings of the notables on learning of the revolution in Paris. They saw in it the end of their reign in Longepierre. They feared the vengeance of those whom they had so long exploited to their own profit. At first they tried to suppress the news as it came through from Paris. They began furbishing up old firearms with a view to fighting the revolt which they dreaded. In the municipal council Vaux ridiculed these measures. Did they take the people of Longepierre for ruffians and brigands? he asked; how could they hope to keep back from them news that was ringing throughout France? The councillors saw the good sense of this advice. They veered round at once, planted a tree of liberty in honour of the revolution, fired off the antique weapons in the same good cause, and broached a cask of wine in the public square. But there was, as might be expected, little good faith in these demonstrations of enthusiasm. A curious incident was soon to reveal the disingenuousness of the notables. At the outbreak of the revolution some of them attended a republican congress held at Verdun, the chief town of the canton in which Longepierre was situated. A committee was chosen to consist of delegates from the different communes, but it was decided that the choice of the delegates was to be confirmed by their respective communes. On their return to Longepierre the notables failed to disclose

this important provision. But their bad faith was soon exposed, and the man who exposed it was Gallemard. He owed the notables a grudge; he had wished to become one of them; his financial position justified the hope. But they would have none of him. Powerful as he was, dispensing money and drink, they disliked and distrusted him. When the revolution came and the triumph of the popular party seemed secure, Gallemard joined Vaux and the republicans, and openly denounced the greed and treachery of the notables. He professed himself the fast friend of Vaux. He would sit with him in the inn, his arm round his neck, to all appearances his faithful and trusted adherent.

The first trial of strength between the two parties took place at the municipal election of July 1848. The municipal council of Longepierre consisted of twelve members. On the day of the election the notables went about among the electors suggesting that the fair and proper thing to do would be to elect six of their own class and six of the labouring class, and so form a council in which each party would be evenly represented. When Vaux appeared on the scene and learnt of this specious proposal, he then and there denounced it as a trap. He pointed out that if the Mayor, as was probable, were selected from among the notables, the casting vote would be with him, that an evenly divided council would be reduced to impotence, that now was the opportunity for the people to take authority to themselves; let them have no half measures, but choose a council composed entirely of their own nominees. The people followed his bidding. A council was elected consisting of twelve members of the popular party. The new council voted immediately the continuance for another eighteen years of the allotments of the common land and the inclusion among these of a hundred and

twenty-five acres of pasturage which the notables had hitherto contrived to exclude from the general division.

But the triumph of the popular party was to be short-lived. The insurrectionary outbreaks in Paris, of May and June, 1848, alarmed the party of order. The choice of Prince Louis Bonaparte as President of the Republic and the election in 1849 of a Legislative Assembly in which the republican party were in a minority, were the signal for that policy of reaction which culminated in the *coup d'état* of December 1851. Of all the departments of France that of Saône-et-Loire was one of the most republican in feeling. In 1849 six of the deputies for the department were outlawed for taking part in the insurrection of June 13th. One of those who remained sent for Vaux to a banquet held at Verdun and there publicly commended him for his faithful republicanism. 'Courage, citizen,' he said, 'if we had but one man like you in each of the forty thousand communes of France, we should not have to struggle with such energy against the encroachments of a power that is leading us God knows where.' In the then state of affairs this was dangerous praise. At the same time Vaux had fallen out with the parish priest of Longepierre. He himself, his father and brother-in-law sang in the village choir. In 1848 the republican Government had ordered that choirs in churches were to sing 'God preserve the republic in safety.' Later the priest told them that they were to sing 'God preserve the people in safety.' Vaux refused to do this. The priest denounced him from the pulpit and Vaux and his relatives left the choir. On one occasion Vaux, by way of jest, had written under his signature to a legal document the words 'red republican,' the term used opprobriously for the members of the extreme republican party. This

was no jest in the eyes of authority. To the reactionary party Vaux became a dangerous man; in his official dossier he was marked down as 'of independent character, having suspicious connections, of a turbulent spirit, irreligious in sentiment.'

The authorities were not slow to act. In January, 1850, a law was passed giving to the Prefect of a department the right to dismiss or suspend the teachers in the Government schools. In March of that year Peter Vaux was suspended for six months from the exercise of his functions. An appeal met with no success, and a month later Vaux was dismissed altogether. Thus thrown entirely on his own resources, the father now of three children, Vaux set himself fearlessly to earn his own living. He was not altogether without the means of doing so. He had his share in the allotment of the common land; with another man he started a small factory for making bricks; he had learnt shoemaking as a boy. With the help of his many friends among the labouring class he was enabled to make a prosperous start; his influence in the village was considerably strengthened and enhanced by the sacrifice he had made in the popular cause. If his opponents had hoped that his dismissal from his post would crush him, they had been mistaken. The struggle went on, but the odds were getting daily heavier against the chances of Peter Vaux. The Mayor of Longepierre wrote to the Prefect protesting against the dismissal of Vaux. The Prefect replied by suspending the Mayor for three months, and, shortly after, the municipal council was dissolved and a commission of three appointed in its place. The elections for a new council were due to take place in November 1850. In spite of all the efforts of the authorities and the notables, Longepierre returned twelve republicans, including Vaux

and Gallemard. Gallemard headed the poll by one vote, the result of an act of fraud on the part of that worthy and his son-in-law and confederate, Pichon. When, however, the new council assembled in the January of 1851, Vaux was chosen Mayor, receiving nine votes as against three given to Gallemard. For the post of deputy the votes were divided equally between Gallemard and John Petit. Gallemard as the older man of the two, received the office. The Prefect refused promptly to ratify the choice of Vaux as Mayor, unless he were ready to prove by his acts that he had ceased to be a red republican; he offered even to restore to him his post as schoolmaster if he would surrender his principles. Vaux replied that he could not give the lie to his conscience for the sake of a Mayor's scarf. As Vaux's election was not officially confirmed, Gallemard as deputy became the acting Mayor.

A great change had been wrought in the disposition of that ingenious gentleman. His incursion into republicanism had not brought him the gratification he had looked for. The notables had got even with him by depriving him of the tobacco monopoly, a serious loss to his pocket. The republicans, on the other hand, showed little confidence in him. It was only by the influence of Vaux, who had refused to heed the warnings of those who attacked the innkeeper's sincerity, that he had been elected on the council, and there he found that such men as Vaux and Petit were more regarded than he. Neither his greed nor his ambition had profited by his association with the popular cause; now that he saw that cause failing, he lost no time in deserting it. He became the champion of reaction in Longepierre. It was the one village in the neighbourhood that still refused to bow the knee to the new régime. Gallemard made it his business to bring it to submission. Two incidents

revealed his conversion to the service of law and order.

Owing to the attacks which the village priest had levelled against Vaux and the republicans, the council had deprived him of a sum of one hundred and fifty francs which had been voted him annually as an addition to his salary. When a new priest came to Longepierre, Gallemard tried to get the council to rescind the resolution. Vaux opposed him and the proposal was defeated by eight votes to four. A sum of one hundred francs had been voted annually to pay for the celebration of the fête of February 24th, the date on which the revolution of 1848 had broken out. The council voted the usual sum for the year 1851. Gallemard, acting as Mayor, ignored their decision and prevented the celebration from being held. The quarrel between Gallemard and his former associates became acute. It was touching the pockets of the innkeeper. He found his tavern deserted by his republican customers, who transferred their patronage to a rival establishment. One thing Gallemard saw clearly. He could never be master of Longepierre as long as Vaux, firm and incorruptible, was there to oppose him, and he wanted to be master. He had no friends; he was trusted by no one; to be powerful he must be feared, dreaded as an enemy; the weight of his displeasure must be seen to fall heavily on those of his fellow-men who crossed his path. The weapon was at hand, dark and deadly; with craft and cunning Gallemard was prepared to wield it, to brave, in his own language, the utmost terrors of hell to gain power and gold.

II

THE FIRES AT LONGEPIERRE

BETWEEN March 2nd, 1851, and March 13th in the following year eight fires broke out in the village of Longepierre, doing total damage to the extent of 160,000 francs. There could be no doubt that these fires were the work of incendiaries. They all started underneath the thatched roofs of the houses. These came down to within six feet of the ground, so that it was easy for a man of middle height to reach up and set fire to them. In many cases there were marks on the walls where matches had been struck. The fires always took place at night when the wind was in a favourable quarter for spreading the flames. The work of a secret incendiary was rendered the easier by the character of the village streets. These were dark and winding and at each side of them were hedges and ditches in which the criminal could hide himself, to say nothing of the sheds, barns, and dungheaps scattered about, offering an equally ready means of concealment. The inflammable nature of the houses served to spread the fire with amazing rapidity. An incendiary could have chosen no more propitious field for his energies than the village of Longepierre.

The first of these fires occurred between midnight and one o'clock on the night of Sunday, March 2nd, 1851. It destroyed six buildings belonging to a man of the name of Mazué, made nine families homeless, and did 14,000 francs' worth of damage. The same night at the other end of the village another house was fired, but the flames were extinguished before any damage could be done.

At the very outset a statement was made which pointed directly to Gallemard and his son-in-law, Pichon, as the guilty parties. John Petit, one of the municipal councillors, said that on the evening of March 2nd, coming out of Gallemard's tavern, about half-past eleven, he saw Pichon returning, carrying a lantern. Gallemard met him and took him inside. 'Do you still think of doing it to-night?' he asked. Pichon replied, 'Yes, it must be done now.' 'All right,' answered Gallemard. At first Petit thought that Gallemard was discussing with his son-in-law some scheme for cheating the excise, but when the fires broke out, his suspicions were aroused. He knew that Gallemard had had a lawsuit with Mazué the victim of the first fire, while the second had broken out in close proximity to the shop of Madame Frilley, who had held the tobacco monopoly since it had been taken away from Gallemard. It is a remarkable fact that of the eight fires occurring in Longepierre during this period, six took place in close proximity to Madame Frilley's shop.

On March 25th, about ten o'clock at night the house of Duperron, one of the notables, was burnt down and 25,000 francs' worth of damage done. This second fire decided Petit to communicate his suspicions to the local Justice of the Peace by means of an anonymous letter.

Something of terror began to spread through the little village. Men dreaded lest their property should be the next to suffer; night patrols were instituted; a brigade of gendarmes was sent to Longepierre. Wild rumours circulated. These fires were the work of the red republicans, determined to avenge themselves on the owners of property. A judicial investigation was opened. Locally this was conducted by the Justice of the Peace, Boulanger, acting under the supervision of the

examining magistrate attached to the Tribunal at Chalon.

To Boulanger Petit handed his anonymous letter on March 27th, and made subsequently a statement. One motive that prompted Petit to speak was the fact that Gallemard had pointed out to the Justice of the Peace two innocent men as authors of the crime, one of whom had been placed under arrest.

To understand what follows it is necessary from the first to realise the extraordinary position in which Gallemard was placed, and the skill and cunning with which he availed himself of it. In republican Longepierre he was the acknowledged champion of the reactionary authorities. He was the acting Mayor, and so had some right to take part in the investigation into the causes of the fires. But above all by his plausible and insinuating character he had acquired an almost hypnotic influence over the Justice of the Peace, Boulanger, a man of doubtful morals, mediocre intelligence, and inordinate vanity which Gallemard well knew how to feed and flatter. To every whisper, to every subtle suggestion of Gallemard, Boulanger lent a ready and attentive ear. Throughout the investigation Gallemard was at his elbow; the confidence Boulanger expressed in the zeal and truthfulness of that astute rascal he communicated to those above him. When Petit made his charge against Gallemard, the latter's answer to it was accepted almost before it was made; Petit was a republican, a friend of Vaux; the accusation was made out of revenge for Gallemard's adherence to the cause of law and order, perhaps to divert suspicion from the republicans themselves, who were the real incendiaries. This answer of Gallemard's seemed plausible enough to zealous reactionaries with little sense of strict justice where political opponents were concerned.

Foremost among these opponents, the most obstinate

and dreaded was Peter Vaux. If, as Gallemard suggested, the fires were the work of republican incendiaries, might not Vaux be implicated? There was no actual evidence against him. On the occasion of the first outbreak he had spent the night unexpectedly away from home. During that day in Gallemard's hearing he and a friend, Richard by name, had expressed their intention of going over to the neighbouring village of Ecuelles and returning by eleven o'clock the same night. But they had been delayed and did not return as a fact until the following day. During the night of the second outbreak Vaux had never left his house.

In spite of these facts Vaux from the very first was regarded with suspicion by the judicial authorities. Gallemard had spoken vaguely to the magistrates of secret meetings of Vaux and other malcontents. This was reason enough for justice to act; the inquisitorial character of preliminary investigation in France enables a person to be summoned before the magistrate and interrogated on the most trivial grounds. On April 6th, Vaux was examined for the first time:—

Q. From information received it would appear that the fires which have taken place at Longepierre are not the outcome of private spite, but of a desire for revenge on those landowners who have opposed the allotment of the common land. It would seem that you, by the violence of your language, have helped to stir up feelings of this kind.

A. I don't think that the differences caused by the allotment of the common land have had anything to do with the fires. I have certainly been in favour of such allotment.

Q. Were you at Longepierre on the night of March 2nd, the occasion of the first fire.

A. No. I had gone to Ecuelles with Richard, one of my colleagues on the municipal council, and we

only returned the following day. I was in bed when the second fire took place and was awakened by my brother-in-law.

Q. Do you believe in the suggestion made by the two municipal councillors, John Petit and Nicolot, that M. Gallemard and his son-in-law are the incendiaries in this case?

A. I have been associated with M. Gallemard; we are not so intimate now, but that does not prevent me from saying what I believe, that he and his son-in-law are incapable of committing such a crime.

It is to be observed that Gallemard, tavernkeeper and acting Mayor, is now 'Monsieur Gallemard,' in the eye of authority, the organ of public opinion in Longepierre, a trusted intelligencer, whose finger may point the way to punishment and disgrace.

On May 5th at ten o'clock at night the house of Richard, the friend of Vaux and one of the council, was fired and 21,000 francs' worth of damage done. Richard was known to be in embarrassed circumstances, but his property was not insured.

Two days later the magistrates came to Longepierre. The first person they examined was M. Gallemard. He suggested that the fire at Richard's must have started inside the house, its enclosure making it impossible for an incendiary to have entered the premises without attracting the notice of the night patrols. 'Public opinion,' of which Gallemard always professed to be the mouthpiece, attributed, he said, this last fire to the same evil disposition as the others. By insinuation he made it clear to the magistrates that Richard, who had nothing to lose by it, had himself set fire to his house, and that, by firing the property of one of their own number, the republicans were seeking to divert suspicion from themselves. The magistrates accepted this view unsupported as it was by a tittle of evidence. The same day Richard and

Vaux were arrested. With a chain round his neck Peter Vaux was led away to the prison at Verdun.

Confident in his innocence Vaux submitted cheerfully to the ignominy of arbitrary arrest. He bade farewell gaily to his friends; but, as he passed through the neighbouring villages some of his acquaintances turned away from him at the sight of his chain. On reaching Verdun he was put into a damp stone cell, with a pile of straw for a bed. Had not good friends brought him wine and meat, he would have had nothing to eat. The next day he was removed to Chalon, the assize town of the department. There he was lodged in an ordinary prison cell, large and properly furnished. The same day he writes to his wife:—

'I would a thousand times sooner be in a solitary cell than in a prison where I should be mixed up with every kind of person and where I should have no time to think. True, I am all alone; but I feel as happy as if I were in a palace. If I were only earning three francs a day here, I might perhaps never wish to come out. Only one thing worries me, your health. I am afraid lest you may give yourself up to useless tears. Remember that your health is necessary to the children, and don't be more downhearted than I am. Besides, who better than you can answer for my conduct?

The night of the first fire I was at Ecuelles.

The second I was asleep by your side.

The third I was at my post with the patrol which I never left.

As to this supposed incendiary conspiracy which has brought me here, I believe it to be a wretched slander; my enemies—political, for I have no others—have imagined these things in order to be revenged on the council and on me who still hold proudly the title of Mayor of Longepierre. They think by this means to make me lose the trust that is reposed in me,

solely because I have acted on behalf of truth and justice, and always in accordance with the law . . . Yesterday, from the depth of my cell I seemed to hear a loved voice. Sweetly and tenderly it fell on my ears. My heart stood still and two large tears fell from my eyes at the thought of Ermence (his daughter) and you. But I soon became calm and cheerful again as I am now.'

On May 12th, Vaux was interrogated by the examining magistrate. This is the only occasion from the time of his arrest—to his release on May 31st—on which he was judicially examined:—

Q. You are designated by the public voice as being, if not the actual author, at any rate the instigator of the fires which now for two months have ravaged the commune of Longepierre.

A. I protest against such a charge; if it is made against me, I can only attribute it to political hostility. Far from instigating any one to commit arson, I should be the first to denounce the guilty party, if I knew him.

Q. I would point out that your actions and general attitude confirm the public suspicions, that both on the eve and morrow of the various fires that have broken out in Longepierre, you have been seen in frequent conference with some of the most ill-reputed men in the neighbourhood.

A. I protest most decidedly against such a charge. Neither on the eve nor on the morrow of the fires have I held any mysterious conferences with other persons.

The Prefect of the department visited Vaux in his cell in Chalon prison. He had already visited Longepierre. There he had approved the final division of all the common land into allotments, the very thing for which Vaux had fought so stoutly, and more than any man helped to bring about. At the same time

the Prefect had gone out of his way to denounce Vaux to his fellow-citizens as a dangerous and seditious malcontent. He told them that his election as a municipal councillor had been an insult to the authorities. But the friends of Vaux were undismayed; the day after the Prefect's visit they went in a body and helped by their manual labour to protect his allotment from the effects of a recent flood.

The Prefect's visit to the prisoner at Chalon was sinister. Accompanied by the Sub-Prefect and other persons of importance, he entered the cell of Vaux. 'Well,' said the Prefect, 'it's sad to see you here. You will get out of it no doubt, but with your antecedents, it's unfortunate!' Vaux, without replying, folded his arms and smiled.

Every effort was made, public and private, by friends and opponents to weaken Vaux's resolution:—

'When I was at Mâcon,' he writes to his wife, 'was I not told that if I wanted to get on in the world, I must go often to confession? What a wretched idea it gave one of men's feelings about religion, to advise such hypocrisy! And later have they not told me that in my interest and yours I ought not to busy myself with the wrongs of the poor, that I should only be the dupe of my own good nature? They were right, but heart and conscience reject such advice; to keep my own self-respect I must uphold at all costs truth and justice. At Chalon they told me that discretion is wisdom, that the voice of the majority is always in accord with justice; that I ought to think of you and my family, and that if, in defending the interests of others, I compromise our own and the future of our family, it is better to be silent than to proclaim the truth. What painful thoughts, my dear Irma, are provoked by such principles as these, offensive to my heart and reason. I could not go along with such men. Above all I love the truth, it is my

God and I am born to serve it. I shall put aside men and the things of this life, and go on fearlessly in the path traced out for me by my conscience. . . . If I suffered alone, if I knew nothing of your tears and anguish, I should not heed the hours I pass in this peaceful cell—my body may be captive, but my soul is free, and laughs at prison walls and bolts.'

He signs the letter, 'Your husband, ex-teacher, Mayor of Longepierre, Vaux, *sans peur et sans reproche*.'

No martyr in the cause of truth was ever more steadfast, more sincere than Peter Vaux. Few have been called on to endure greater trial of their faith. But his spirit was equal to the test. 'Let us,' he writes, 'take all that comes, good or evil, as true stoics. The children of the poor are brought up in the midst of suffering, they have ceaselessly before their eyes the spectacle of misery and woe. It is a part of the struggles and misfortune of life.' Already in Longepierre Vaux had fought to a successful issue a battle which, as a result of his victory, had changed the whole face of life in the village, made the poor, hitherto dependent, independent, the community thriving and prosperous. Authority itself had blessed the result of his labours. But Peter Vaux was a dangerous man, the tide of reaction was coming in on the flood, and M. Gallemard was not yet the official Mayor of Longepierre.

After more than three weeks of preventive detention, Vaux and his friend Richard were released. It had been impossible to bring against them any evidence worthy of the name. There was nothing but vague or malicious gossip to connect Vaux in any way with the fires at Longepierre. And so authority had to let him go free. Vaux arrived home on June 1st. It was a Sunday morning. He went to the tavern where he and his friends were accustomed to meet: 'No sooner did they know of my return than the inn was full of people. Some took me by the hand, some embraced

me, others were too moved to speak, but I saw the tears falling down their bronzed cheeks. To me this was the best of all rewards for my devotion to the cause of these good folk whom I had sworn in my heart never to forsake. I count this day among the happiest of my life.'

If his opponents thought or hoped that imprisonment had tamed the spirit of Vaux, they were very quickly disappointed. The Sub-Prefect ordered that twelve of the notables were to be added to the municipal council for making the final arrangements in regard to the allotments of the common land. When the letter of the Sub-Prefect to this effect was read to the council, Vaux got up and declared that by law the deliberations of municipal councils were secret, that not even the President of the Republic could violate the law, and called on the notables present to leave the room. They had to obey. It was clear that something more than preventive detention was necessary to silence this pestilent demagogue, with his unfortunate habit of being generally in the right.

A few days before the release of Vaux an incident had occurred in Longepierre which, unconnected apparently with him, was in its sequel to have a powerful effect on his fortunes. There hung about the village at this time a certain Peter Balleau, a kind of tramp, tall, thin, fifty-four years of age, needy, starving, reputed a thief. His wild and rough nature kept him aloof from other men; his poverty made him the ready instrument of corruption, his hatred of work capable of the basest employment. On May 24th, this dubious individual attempted to negotiate a forged bill for thirty francs in the village of Seurre, near Longepierre. Confronted with the farmer whose name had been forged, he admitted his guilt and said that the bill had been made out for him by a certain Michaud, one of the municipal councillors of Longe-

pierre. This Michaud was a weaver by trade, a talkative fellow, making a parade of his reading, writing, and arithmetic among his less fortunate brethren in the village, acting as a kind of village lawyer, writing letters and making up the accounts of those who were unable to do these things for themselves. After the first fires at Longepierre he had been active in organising the night patrols. On hearing of Balleau's statement, Michaud did not deny that he had forged the bill. He said that he had done it out of humanity. Balleau had told him that his child was dying, that he must have help. At last in a moment of weakness he had yielded to his importunities and committed the guilty act.

On his return from Seurre, Balleau had gone at once to Gallemard, told him his story and asked his help. On June 1st, the day of the triumphal return of Vaux to Longepierre, Balleau made a deposition to the justice of the peace which gave to the incident of the forged bill a graver character. He said that the bill had been given him by Michaud as the price of silence. A day or two after the first fire in Longepierre, Michaud had met him on the site of one of the fires and invited him to join a society of four or five persons who, he said, were the real incendiaries. Balleau declined to do so, whereupon Michaud urged him to keep his secret. A little later Michaud told him the names of the four incendiaries; they were Nicolot, Petit, Savet, and himself. 'If you won't join us,' he said, 'at any rate keep our secret.'

Such was Balleau's story. Michaud met it by an absolute denial of its truth; he had, he said, had nothing to do with the fires except to organise the patrols. It was pointed out to Balleau that it was peculiar at least that after he had refused to join the incendiaries, Michaud should on a subsequent occasion have confided to him their names. Balleau replied

that they had no doubt been told him as a further inducement to join, but that he had always refused to participate in the conspiracy.

The same day Michaud in his distress of mind went to Vaux. A follower of his, looking up to him as his leader, it was natural that Michaud should turn to Vaux in his trouble. 'My dear Vaux,' he said, 'I am a lost man. I have been guilty of drawing up a forged bill for Balleau. He has been arrested and is telling all sorts of lies about me.' 'My dear fellow,' replied Vaux, 'you have done serious wrong and you must pay the penalty. There is only one thing for you to do, confess your crime and undergo patiently the punishment you have deserved. As for Balleau's lies, leave them to the judges to deal with; if your conscience is clear, you have nothing to fear from them.'

Later in the day both Michaud and Balleau were arrested, and a few days after John Petit, Nicolot, and Savet, who had been denounçed by Balleau as the accomplices of Michaud.

Since Balleau had turned to M. Gallemard in his hour of need, that worthy had not been inactive. He had supplied the Justice of the Peace, Boulanger, with some questionable and inconclusive evidence against John Petit, whom Balleau had declared to be one of the chief conspirators. It will be remembered that Petit had said that he had overheard a conversation just before the first fire which had led him to believe that Gallemard and his son-in-law, Pichon, were the original incendiaries. This belief he had reiterated fearlessly ever since. It was therefore an especial satisfaction to M. Gallemard to be able to help Boulanger in building up a case against John Petit.

Into the ear of that confiding magistrate Gallemard, on June 17th, poured a long deposition which is a masterpiece of wily insinuation. He began by

suggesting that it was unlikely that Michaud, who was comparatively well-to-do, would join with Balleau in trying to get thirty francs by means of forging a bill; there must be a stronger motive to drive him to such an act than greed or humanity. But he negatived somewhat the force of this suggestion by stating at the end of his deposition that this was not the first essay of Michaud in forgery; it would appear that he had twice before committed similar acts for trifling sums. To Balleau, Gallemard gave a certificate of character that was sanguine to say the least of it. 'I do not believe Balleau,' he said, 'capable under any circumstances of inventing or sustaining anything untrue.' His character of Michaud had one significant qualification; 'Until,' he said, 'he joined the municipal council there was nothing against him. But from that moment he became an active politician. It is Vaux who has got hold of him and ruined him.'

Here we have the keynote of Gallemard's deposition; it was a subtle and studied attempt to involve Vaux by implication in the alleged guilt of those who had been already arrested. He paints a picture of the consternation of Michaud and others on the discovery of the forged bill. 'Only the presence of Vaux,' he goes on to say, 'has reassured them.' On May 31st, Michaud was in such a desperate state of mind that he was contemplating suicide. The next day his situation is no less desperate, but on that day Vaux returns to Longepierre. Michaud sees Vaux and has a conversation with him. His position in regard to the forgery is no different; he cannot avoid punishment; therefore there is no reason why his anguish of mind should be less. But it is; he is entirely changed; people are astonished at his assurance; he sits down at table, eats well, is calm and tranquil, and finally goes before the Justice of the Peace with a confidence all the more astounding in one who,

before his conversation with Vaux, had been terrified at the thought of such an ordeal. If, Gallemard suggested, Michaud had been arrested before the return of Vaux, the authorities would have known a great deal more about the fires. The moment Vaux comes on the scene he confers with all the turbulent people in the neighbourhood, Petit and others. From him they receive their orders. Balleau knows more than he chooses to say; some of the incendiaries are in prison, but not all. It is not likely that those who have been arrested will confess; the influence of Vaux will be felt even within the walls of the prison. They have been ordered to hold their tongues, and are encouraged to hope that when, next year, Louis Napoleon is compelled by the constitution of the Republic to lay down his powers as President, the republican party will be once more in the ascendency.

In this specious statement, Gallemard ingeniously misrepresents the perfectly honest influence which Vaux exercised over his followers as the sway of a daring criminal over his fellow-criminals. Gallemard had said in this deposition of his that all the incendiaries were not yet in prison. As if to confirm the truth of his statement two new fires broke out in Longepierre, one on the 14th of September, the other on the 28th of October. The magistrates from Chalon came to the village. Needless to say Boulanger and Gallemard were not slow to direct their attention to Peter Vaux. He was described as glorying in his recent imprisonment rather than showing any signs of repentance or reformation. Examined himself, Vaux said that he believed his arrest to have been due to the enmity of his political opponents and those who had resented the allotment of the common land.

The hour was not yet ripe. Justice had up to the present no proofs of the actual participation of Vaux in the acts of incendiarism. The evidence of Balleau

was not considered sufficiently reliable to justify the further detention of those who had been arrested. In the month of November they were all released. Michaud and Balleau were sent before the Assize Court at Chalon on a charge of forgery. Michaud was convicted and sentenced to seven years' imprisonment, but Balleau was acquitted. Both the prosecution and the presiding judge concurred in recommending to the jury the acquittal of Balleau. It was even hinted to them that it was necessary in the interests of justice that he should go free.

III

THE ARREST OF PETER VAUX

The month of December, 1851, brought ruin to the hopes of Vaux and the republicans of Longepierre. The *coup d'état* destroyed the Republic, established the despotic power of Louis Napoleon, and paved the way to the Second Empire. It was the triumph of M. Gallemard and the notables. Though they disliked and distrusted the innkeeper, the latter in their selfish greed were quite ready to accept his help against their opponents and willing to bow before him as the approved representative of authority in the village. The municipal council was dissolved. The rival tavern, where the republicans had gathered after their split with Gallemard, was closed. A new council composed entirely of notables was nominated by the Prefect, and, summit of his ambition, crown of his devotion, M. Gallemard was appointed Mayor of Longepierre. This former republican now addressed to the Prince President the congratulations of the commune of Longepierre on 'the perilous and noble

enterprise' of the *coup d'état* of December 2nd, which had covered his head with an aureole of glory; 'he has crushed the hydra of Socialism, saved France and society from its ravages. God give him life and strength to defend the state against the forces of anarchy!'

But even the *coup d'état* was powerless to quench the fires of Longpierre. With the opening of the year 1852, they burnt more brightly than ever. On January 14th, and March 8th and 11th, fires broke out on the property of notables, doing damage to the extent of some 30,000 francs. Three persons were arrested. Foremost among these was John Petit. The fire of January 14th had taken place in a house next to his. A man in a white hat had been seen to cross the yard of Petit's house, which had to be traversed in order to reach the premises that had been fired. This man was seen again going in the direction of the Revignon Road. A little later after the outbreak of the fire, Pichon, Gallemard's son-in-law, was seen sitting on the roof of a house on the Revignon Road watching the conflagration; he was wearing a white hat. Next day, Petit, who was already convinced of Pichon's guilt, exclaimed as he passed the latter in the street, 'Look at his white hat; that's the man who lit the fire!'

Though no evidence was forthcoming against Petit other than that on which he had already been arrested and discharged, he was sent to prison again, and with him the two Savets, father and son, against whom there was stronger ground for suspicion.

But the best was yet to come. The dubious Balleau, released by the verdict of the jury at Chalon, had returned to Longepierre, under the protection of authority and watched over tenderly by the new mayor. Not only had M. Gallemard secured the ear of justice in the shape of Boulanger; by timely potations and

other little attentions he had nobbled the police in the person of Carrère, the head of the gendarmerie in the village. One day in April the Mayor informed his friend Carrère that he thought that he ought to see Balleau, who had something to say and had made up his mind apparently to tell all he knew. Carrère saw the needy rascal and from him learnt for the first time that the fires in Longepierre had been the work of a gang of seven incendiaries, the chief of whom Balleau now declared was Peter Vaux.

Here at last was the evidence so long and ardently desired that would connect directly the unbending republican with the crimes that were devastating the hapless village.

No time was lost. On April 22nd Balleau appeared before Boulanger. He began his deposition by saying: 'I wish to add to, and of my own free will complete my previous depositions; if I have not done so sooner, it is because I have been terrified by the threats of those persons whom I am now about to accuse.' He then said that he had learnt from Michaud that in addition to the four whom he had previously denounced as the incendiaries, Vaux, the younger Savet, and a man called Dumont were also members of the band. Asked why he had not named these persons in his original deposition, Balleau replied that he had been frightened by their threats. These, he said, had commenced after the second fire on March 25th, 1851. Vaux had then passed him in the street and said, 'You'll have cause to remember me; you will be sorry for what you have done.' 'But,' said the magistrate, 'after the second fire Vaux could have no reason for resentment against you; you hadn't denounced any of the gang, they had no reason to be alarmed. On the contrary, it was rather in the interests of Vaux to encourage you to join these of whom Michaud had already spoken to you. 'I can

only say that he said it,' answered Balleau, 'I didn't originally denounce these three because their families were influential in the neighbourhood, and I was afraid that my wife and children might be burnt while I was in prison.' 'I strongly advise you to think it all over,' said the judge, 'I will examine you again to-morrow.'

A night's reflection determined Balleau to be more precise. Next day he began on a note almost of joy. 'I am very pleased,' he said, 'to come before you again to-day, I am going to tell you the whole truth.' One day, he said, the 16th or 17th of February, 1851, Michaud had met him by the side of the river Doubs and said, 'You must come with me; there is something we want to tell you; come this evening to the house of Vaux.' Balleau agreed and that evening he went with Michaud to the house in which Peter Vaux was living. There in the kitchen he met Vaux, his wife, John Petit, the elder Savet, Nicolot, and Dumont. Savet opened the proceedings by proposing that they should burn down a whole row of houses in the village and that Michaud and Petit should be the first to get to work. 'If they won't do it,' he said, 'then I will!' It was finally decided that each man should take his turn. Vaux said, 'After this lot is done, we will arrange another.' Balleau was to be one of the last to take his turn. He said that he did not wish to do it, to which Dumont replied, 'If you mean to be one of us, you must do as we do, or you will be a coward.' A few days before the second fire there was another meeting of the conspirators at Michaud's house. It was the hour of the angelus. Michaud had invited Balleau to come, as something important was to be decided. Dumont, Savet, Petit, and Vaux were present at this meeting. It was resolved to burn down the house of Duperron, one of the notables. Alluding to the previous fire of March 2nd, Savet said, 'Two

of us have made a beginning; it is not the fault of Petit if the fires don't burn; I will carry on the good work.' Asked why he had not stated these facts before, Balleau gave the old reason that he was afraid of the vengeance of the conspirators. The judge promised to protect him against anything of the kind, and said that he still doubted whether he had told all he knew. 'I have told the whole truth this time,' replied Balleau.

The same day Vaux was sent for by Boulanger, and in his presence Balleau repeated his story. As soon as he heard it Vaux exclaimed: 'The man is an impudent liar. He has never set foot in my house. Ask him which room I inhabit.' 'The third room in the house of Jeannin (the father-in-law of Vaux, in whose house he and his family lived).' 'Sir,' replied Vaux, 'the man is clearly lying. I have never lived in the third room, which is a bakehouse. All my neighbours can tell you this.' 'It was into the bakehouse I went,' said Balleau. Vaux asked him to describe the furniture of the room. Balleau was silent. 'The witness has stated,' said Vaux, 'in his deposition that he came first into my kitchen. Will you ask him by which door he entered?' 'By the front door,' answered Balleau. 'For the second time,' exclaimed Vaux, 'this man is caught in a flagrant lie. I can call a hundred witnesses to prove that at the time at which he says he came to my house, the front door was bricked up and barricaded; it was not opened again until after the first fire.' Even the faith of Boulanger was shaken. 'You don't seem to me to be speaking the truth,' he said to Balleau, 'I cannot act on the strength of such a deposition.' In spite of his reluctance to act on such evidence, Boulanger examined Vaux again four days later. Vaux repeated his denial of the truth of Balleau's statements; Balleau had never been to his house, nor had any such meeting as he

had described been held there. 'He has invented,' said Vaux, 'all that he has sworn, and in this instance I believe him to be the tool of my enemies.' Boulanger suggested that Balleau's evidence was confirmed by the threats Vaux had addressed to him, by his associating with those accused of arson and rejoicing with them over the disasters that had fallen on innocent folk. 'I have never threatened Balleau,' replied Vaux. 'If I have associated with the people of whom you speak it has been by chance, and without ever the least intention of rejoicing over the unhappy events which have befallen our village.' Boulanger next brought up against Vaux the change which he had wrought in the depressed condition of Michaud and others after his return from prison on June 1st, 1851. Vaux answered that he had merely comforted Michaud by advising him to tell all the truth about the forged bills.

Q. Your recent language proves your participation in the acts of incendiarism. For instance, on April 18th, speaking of these crimes you said, 'None of these would have occurred if on February 24th the commune had voted the hundred francs for celebrating the anniversary of the proclamation of the Republic.' On another occasion the wife of Michaud received a letter from her husband in prison in which he told her to be very careful what she said and to observe the greatest possible discretion. On reading this letter you said. 'There is a word of slang in this which I alone can understand.'

A. I may have made the remark attributed to me about the 24th of February, but, if so, it was a pure conjecture on my part. As to the letter of Michaud to his wife, she brought it to me and asked me to reply to it. I refused. The letter ended with a recommendation to his wife and daughter, in these words: 'I strongly advise you to be careful what you

say.' I went back to work. Being puzzled about the meaning of the phrase, I told it to Richard and his son and to Dumont who were working with me. I said that Michaud could have no reason for thinking that his wife and daughter would invent some charge against him, and that therefore he had no need to fear any revelation coming from them. That is all that I said, anything else is pure invention.'

At the conclusion of his examination Vaux insisted again on the proof which he had already given of the incorrectness of Balleau's description of his house.

So confident was Vaux in the success with which he had confounded the evidence of his accuser that he went about his work as usual and gave little more thought to the case. He was working in his brick-yard with Dumont on April 29th when, to his surprise, the gendarmes appeared on the scene and arrested Dumont and himself. He asked permission to go home to change his clothes and get something to eat. It was granted him. He had some supper and said good-bye to his wife and their four little children; in three months time Madame Vaux was expecting once again to be a mother. Smiling and cheerful the unhappy man bade them farewell, and tried to comfort them in their grief. With a chain once more about his neck, he was put in a cart with Dumont and Nicolot and driven to Verdun. As he went away the peasants lined the road and shouted to him ' Au revoir.' Vain cry! Peter Vaux was fated never to see Longepierre again.

From Verdun Vaux was taken to Chalon. The case now passed from the hands of Justice of the Peace, Boulanger, into those of the examining magistrate attached to the Chalon court. On May 3rd Balleau was examined and gave a new and revised version of his story. He now said that on the night of the meeting in February he had entered the house of Vaux

by the door in the middle. He described the room in which the meeting was held more accurately, and gave details of the positions of those present. Vaux, for instance, was standing near the stove in the middle of the room with his back to the east. The witness explained that, if he had originally fixed his conversations with Michaud as taking place after the first fire in March, it was because he was afraid of putting the conspirators in an awkward position. 'Only after I had been liberated from prison,' he said, 'sick and weary with remorse, did I decide to tell all.'

Vaux was confronted with him. It was pointed out to him that Balleau's statement was now much more precise in its details. 'The proof that it is false,' replied Vaux, 'lies in the fact that when I first appeared before the Justice of the Peace on April 23rd, Balleau could not give these details which he has managed to find out since . . . The story of the second meeting is equally false. Balleau cannot fix a date for it; and further, I cannot understand why, if I were guilty, Balleau delayed so long before accusing me.' The official report of the examination goes on:—

'The witness persists in the truth of his statement, adding that if he did not accuse Vaux sooner it was because of the threats which he had addressed to him and the fear he felt of him.

The prisoner alleges that he never addressed any threats to the witness and had not spoken to him since the year 1850.

The witness asserts that he has told the truth.

The prisoner objects to Balleau that he did not know which room he inhabited in his father-in-law's house, that he said it was the third room, whereas it was as a fact the second.

The witness replies to this that the meeting took place in the third room and that he came in by the door in the middle.

The prisoner alleges that to get into this room there is no need to enter by the centre door, and that before the Justice of the Peace Balleau had sworn that he had come in by the front door, which at that time was walled up.

The witness replies that he came in by the front door on the east side.'

In the journal which he kept in prison, Vaux describes this interrogatory. 'On coming into the room,' he wrote, 'I saw Balleau, who had just given his evidence, but this time he had so embroidered his narrative that it lacked only one thing, truth. I tried to make some comment on it, but the magistrate stopped me and began to abuse me. I saw that they had used my explanations to coach this rascal and help to correct his previous blunders. I saw that it was a mistake for me to reply to the questions of the examining magistrate. When I realised that he was being guided in the exercise of his functions by hatred and passion rather than a desire to get at the truth, when he began to load me with curses and insults, I said that I should reserve my defence until I appear before a jury, but that I declined to answer a judge who degraded his office by insulting a prisoner.'

This examination completed the case against Vaux, who was now to await his trial in June before the Chalon Assize Court. On the uncorroborated evidence of a man of notoriously bad character, evidence which he had suppressed until more than a year after the events sworn to had taken place, Peter Vaux was to stand his trial on a charge of arson, a crime at that time punishable by death. The French historian of the case has described the reasoning in the minds of the magistrates who sent Vaux for trial on the unsupported evidence of Balleau. It is a melancholy apology. He represents them as arguing thus:—

'The persons we have arrested are in all probability

the guilty parties. In any case they are dangerous men, demagogues whose conviction will have the best possible effect. We require this conviction because first of all we must put an end to their crimes at Longepierre; and secondly, because it is inexpedient that after a year of inquiry and investigation we should have arrived at no result. Our future is at stake, our promotion hangs on it. Against the greater number of these persons we have no proof. But a witness has come forward, whose evidence agrees with our preconceived notions and gives us the means of including the whole gang, and in particular the man whom we regard as its chief, in the serious charge in which some of them are implicated. This witness is little entitled to credit, he is possibly a liar. Much of his evidence is very likely false. But he knows a great deal about the fires. The important thing is that those he has accused should be convicted. It is dangerous and inexpedient to look too closely into the actual truth of his evidence. Even supposing he is lying, his lies are useful to the good cause and the vindication of justice. It is our duty to make the best use of it we can, in order to strike once and for all at these evilly disposed persons who have so long defied us, and put a final stop to a series of crimes which we have hitherto failed either to prevent or punish.'

If the French magistrates were not to a certain extent subservient to authority, the independence of their judges less safeguarded than our own, if in certain cases judicial advancement did not depend on success in obtaining convictions, if prosecutions were conducted with the scrupulous fairness we look for in a court of justice, if the preliminary investigation into a case were not too often carried out in the worst spirit of the Inquisition, it would be difficult indeed to understand how those responsible for the due

administration of justice could take such a view of their duties towards an accused person as that set out above. One fact must always be borne in mind to appreciate rightly the conduct of criminal cases in France. The Procureurs-Généraux and their assistants who are responsible for the prosecution of criminals are at one and the same time Government officials and judges. They act as public prosecutors, but at the same time rank in the magistracy, have the privilege of selecting the judges who are to preside in the Assize Courts, wear the same red robe as the presiding judge, and sit by his side on the bench. It happens not infrequently that the magistrate who is conducting the prosecution is of higher rank in the judicial hierarchy than the President of the court. Judge and prosecution belong to the same order; they have nothing in common with the advocate who conducts the defence; the judges are not chosen from the bar; they form a distinct and separate caste. In the story we are telling these facts should be borne in mind.

To conditions at all times unfavourable to the accused we must add the special conditions of the year 1852. We are on the eve of the proclamation of the Second Empire, and with it the despotism of Napoleon III. All the forces of a highly centralised form of government are being concentrated on the destruction of republicanism and all that it entails. Prefects of departments, magistrates, mayors, all are being employed to the one common end, to repress individual liberty and compel implicit obedience to the authority of Louis Napoleon. On their zeal and energy in this cause depend advancement and honour. Some honest persons believe that there is no choice but between despotism and red anarchy; the spectre of republicanism has been invoked to justify and excuse the extinction of popular government. Woe to those who like Peter Vaux are susceptible of the charge of

being red republicans, men dangerous to public security, supposed to be capable of employing any means to further the cause of disorder and anarchy! All honour to such as M. Gallemard, Mayor of Longepierre, ever ready and willing to lend his genial assistance to the good cause of law and order!

While M. Gallemard was basking in the sunshine of official recognition, Peter Vaux was eating his heart out in his prison cell at Chalon. In his journal he records his hopes and fears, his faith in the righteousness of his cause, his mystification as to the guilt or innocence of those accused with him. He is inclined to suspect the elder Savet. 'If I thought him guilty,' he writes, 'I would hit him on the nose as hard as I could, when I think of the misery he has brought on my wife and children.' What satisfaction, he asks, can his enemies derive from his sufferings? 'What has my poor wife done, and my little children, Ermence, Armand, Mama, and you, my little Brutus? You were just beginning to walk, and I am not there to help you, to hold up your little swaying body, to stretch out my neck to those pretty arms of yours as they reach up to me in mute appeal.'

One day his wife's brother comes to the prison to bring him news of his dear ones. Vaux sees him through the bars of his window. His heart beats high; at last he will hear something of his wife and children. He waits anxiously in the reception room. The door opens; there is no visitor, only a prison official who tells him that he is to be in future kept 'au secret,' that he cannot see any visitors. He is taken back to his cell where he is to remain in solitary confinement until his trial. Another day he is brought a letter with twenty-five centimes to pay on it. He sees it is from his wife, he says he will pay the surcharge. Midnight comes and he has not been given the letter, for which since morning he has been waiting.

'They are so anxious to convict me,' he writes, 'that they will stick at nothing to destroy me; if they don't succeed who knows but they may try to poison me—Bah! it's not possible!' At last he receives the letter. He learns that his wife, who is about to become a mother, has no money, and there is no one to help her. 'Poor mother! Poor little ones! There is no one but I to earn your daily bread for you, to shield you in your weakness from want and misery. And yet through the villainy of men to whom I have done no harm, I am kept here within the walls of this pitiless prison, idle and impotent, my poor wife soon to undergo the pains of childbirth. To think that when the time comes I shall still be here behind these bars! Suppose she is ill—I dare not think of it. My brain begins to give way; I think I shall go mad.'

Great as was his mental anguish in his hours of imprisonment, Vaux never lost his faith in God. He writes to his wife:—

'God has not forsaken you; rather he fills your heart with grace and strength to help you to bear the passing afflictions that he sends us. He is the master of all he has created; he alone governs the fate of men and things. Who is the man so foolish as to say in his pride, "Oh Lord, you know my innocence and yet you allow me to suffer at the hands of my enemies?" The good Master will answer him in words of compassion which carry grace and life to the man of pure heart, "Long before you and for your sake I endured cruelty and insult! Weak mortal, do not lament over a few days of persecution, as reward for which I will give you now and for ever, that supreme happiness which even in the greatest hour of prosperity you have sought everywhere and never found, the only happiness that can fill the whole heart of man, grace and faith, the love of your Creator!" . . . It is

only your grief and suffering that torment me; otherwise I am happy. I am drunk, so to speak, with my innocence and enjoying in anticipation the satisfaction I shall soon experience of exposing in all their nakedness the obstinacy and bad faith of those who are persecuting me.'

In his journal he enumerates those acts of his which have brought on him the hatred of his enemies: 'I have loved and love still the Republic! Next to God I shall love it above all things; no power on earth can make me renounce my faith and my beliefs.' He has defended the poor against the rich, he has restored the land to those from whom it had been filched, he has given to the labourer his share in the communal funds, he has taken an allowance from the priest who cares nothing for the people to bestow it on widows and orphans, he has given free education to the children of the village, he has tried to teach the poor to be proud and independent in their dealings with the rich, and for these things he is treated as a criminal. 'Oh God of infinite wisdom,' he writes, 'what is thy secret purpose? I see the things I have worshipped condemned. Invincible Right, eternal Justice, sublime Truth, the love of one's fellow-men, Devotion, Unselfishness, Public Spirit, here below all these are crimes! Oh Lord, my weak reason cannot compass the vastness of thy wisdom. Thy will be done!'

Of the absolute sincerity of Peter Vaux it is impossible to doubt, and it is this which gives such pathos to the tragedy of his story. Here is a young man, a little over thirty, full of ardent devotion to his fellow-men, who has brought about reforms admitted by authority to be just and beneficial, Christian in spirit, perhaps over-zealous—a little fault in comparison with the good he has done—a loving husband

and father, an upright and honest man in every sense of the words, lying in solitary confinement in a prison cell under a capital charge based on the evidence of a notorious scoundrel! He has been powerless to fight the sinister methods of a preliminary investigation, secret in its conduct and utterly unscrupulous in its character. His only hope rests now in the jury. He is to be tried before the Assize Court at Chalon at the end of June.

There he will appear at some disadvantage. His case is to be heard along with those of the seven others charged with being his fellow-conspirators. The large *dossier* of the case on which the prosecution has been working for months is delivered to the prisoners eight days before the trial. Only one copy is supplied which has to pass through the hands of the eight accused persons and their advocates, and be studied by them as best they can in this short space of time.

Nor was Vaux fortunate in his choice of an advocate. His friends had tried to secure the services of M. Leroyer, then one of the leading counsel at the Chalon bar, afterwards a President of the Senate under the Third Republic. Pressure of work made it impossible for him to undertake the case. He could only give Vaux some disinterested advice to the effect that he should be calm and temperate before the court, avoid posing as a victim of politics and not speak too much of the people. He advised him also to shave his moustache, which was looked on apparently at the time as a sign of extreme political opinions.

In place of M. Leroyer, Vaux had to entrust his cause to a young advocate, M. Guerrier, who is described as having neither ability nor experience, and expressing himself with difficulty. At the beginning he believed Vaux to be guilty. The first time he saw his client in his cell he said to him, ' Ah well! We must try and save your head for you.' But, as

he studied the case and talked with the prisoner, M. Guerrier came to believe in the innocence of Vaux and did his best for him at the trial.

IV

THE TRIAL

This commenced on June 23rd, 1852, before the Chalon Assize Court, at seven o'clock in the morning and lasted two days. The court was presided over by one of the judges from the Appeal Court at Dijon. The prosecution was conducted by the Procureur de la République at Chalon. Eight prisoners stood in the dock, Vaux, John Petit, Savet, father and son, Nicolot, Dumont, Malois, and Michaud who was already serving his term of imprisonment for forgery. Vaux, in spite of the advice of M. Leroyer, had not discarded his moustache; he is described as listening to the case quietly and attentively and expressing himself with ease and confidence. The face of John Petit is pleasing and intelligent; he is energetic in his speech. The elder Savet wears large black whiskers and is the only one of the prisoners whose appearance has something desperate about it. His son, a boy of eighteen, is obviously consumptive. Michaud, the 'village advocate,' gives an impression of cunning and insincerity; he feigns deafness and pretends to less intelligence than he really possesses; he speaks fluently and with an affectation of singularity in phrase.

The acts of arson charged against the prisoners were those of March 2nd and 25th, 1851, May 5th in the same year, and those of the 14th of January and 11th of March, 1852. The Act of Accusation,

read at the opening of the trial, was in this case nothing more than a vigorous opening speech for the prosecution, recapitulating those facts already known to the reader. Vaux was represented as animating and directing the other prisoners, Balleau as repudiating the charge of perjury in words forcible and impressive and driven to speak solely by his desire for the truth and the keenness of his remorse. Evidence of suspicious acts on the occasion of three of the fires was adduced against the elder Savet. No new evidence was cited against Vaux; that of Balleau remained the only evidence against him.

The first witness to be called was M. Henry Gallemard, Mayor of Longepierre. He said that public opinion had for a long time pointed out the prisoners as a band of incendiaries organised for the destruction of the commune, and Vaux, he said, was looked on as the head of the band. He spoke of the affair of the forged bills and the mysterious comings and goings of the conspirators. He answered the charge made by John Petit that he and his son-in-law were the real incendiaries by a magnificent outbreak of indignation. 'I disdain,' he said, 'even to protest against such an accusation!'

The President invited the prisoners to reply to the evidence of the Mayor. Vaux said: 'The witness has stated that public opinion pointed at me as head of a criminal conspiracy. I defy Mr Mayor to call one witness, apart from Balleau whom I have proved to be a liar, who can accuse me of a single dishonest action. My honesty is known to all. If I have had relations with most of the prisoners, there has been nothing guilty or mysterious about them. We were members of the municipal councils, we held the same opinions on the politics of the commune and we were united by a common desire to see our principles win the day. We had nothing to hide.' Vaux explained

the innocence of his relations with Michaud, and stated that he had broken off all intimacy with the elder Savet as soon as he knew that he was suspected of arson.

John Petit repeated boldly his charge against the Mayor and his son-in-law. 'I believe,' he said, 'that the fires were the work of Gallemard and his son-in-law. I told many people that the fires would begin again because I did not believe that Gallemard would stop until he had destroyed the tobacco shop. For everybody knows that all the Gallemards were furious at having lost the tobacco monopoly and had vowed a mortal hatred against Mme Frilley who had got it after them.'

The greater part of the evidence given during the first day of the trial related to the charges against Petit and the Savets. Against the former, two neighbours, a woman and her daughter, thirteen years of age, swore that Petit's little daughter, a girl of thirteen, had told them that on the night of the first fire her father had come into her room fully dressed in his Sunday best and told her to get up as there was a fire. The little girl denied that she had ever said anything of the kind. Petit said: 'After coming home from Gallemard's and hearing his conversation with his son-in-law which I have already described, and thinking that it only related to some scheme of smuggling, I went to bed and to sleep. I was roused by a neighbour. I got up and went with everybody else to the fire. I don't remember what clothes I had on. But as it was Sunday night I very likely in my haste put on the clothes I had just taken off.'

The evidence against the Savets consisted of statements as to their dubious behaviour on the occasion of some of the fires, which could not at the most be said to constitute more than a suspicion of guilt.

There was so far nothing but the vaguest evidence,

if evidence it can be called, against Vaux. A farrier in the village said: 'I know nothing about the fires. But I have often seen the prisoners, who were members of the municipal council, walking about together and going together to the tavern on Sundays and even week-days. Vaux was often one of them. In crossing the street they had to pass in front of my forge and I saw they were talking together in a mysterious way; but I could not hear what they said.'

Then followed some of that evidence which, freely given in French courts, shocks our sense of relevance, the evidence of persons called to give their opinions for what they are worth on the general character of the prisoners. The elder Savet was described as spiteful, vindictive, and disloyal. Nothing could be urged against the character of Vaux except his political opinions. A former Mayor of Longepierre, having stated he had nothing to say against any of the prisoners, was asked by the court whether he had not described Vaux as having a disastrous influence on the people. 'I may have said that,' replied the witness, 'in regard to the political opinions of Vaux, but never in regard to the fires. I know Vaux. He was my secretary during the four years I was Mayor. I have never known a more scrupulous man.'

The court adjourned at eleven o'clock at night. All the witnesses for the prosecution had been heard except Balleau. At seven o'clock the following morning, he was called. Nothing can be more favourable to a perjured witness than the French system of criminal procedure. The witness is examined first by the presiding judge, who is at liberty to handle the witness in a friendly or unfriendly spirit as the case may be. There are no rules in regard to leading questions such as prevail in our courts. There is no direct cross-examination; it is only through the judge that an advocate can address questions to a witness.

In the case of a witness such as Balleau, on whom rests the whole strength of the case for the prosecution, the attitude of the court towards him becomes all-important.

Balleau did not tell his story well, a story with which the reader is already acquainted. He was at times stammering and hesitating, at others voluble, but always turning round and looking at M. Gallemard who was seated behind him, as if for guidance and encouragement. The scandal of this became so obvious that the counsel defending the prisoners made the following formal request to the court:—

'Seeing that the man Gallemard appears by his presence, behaviour, and gestures to be exercising an influence over the witness Balleau as he gives his evidence, on these grounds we ask that the court will be pleased to order that Gallemard leave the court and do not return while the said Balleau is giving his evidence.'

The judges refused this application.

With the friendly aid of the President and the passing help of the Mayor of Longepierre, Balleau managed to tell his story. A few questions were addressed to him by the defence.

Q. You have said it was in the third room in the house inhabited by Vaux that the meeting of February 16th, 1851, took place. By which door did you enter this room?

A. By the door nearest the stables.

Q. You said in the preliminary investigation that you came in by the front door?

A. I remember now that it was by the door near the stables.

Q. What furniture was in the third room in which you say the meeting was held?

A. A bed and a stove.

Q. Had you not tried to pass forged bills before

the outbreak of the fires and before Michaud gave you the bills which you have described as the price of your silence?

A. No, never.

President.—Remember Balleau, you are in a court of justice, and giving evidence on oath. Think of the consequences of your evidence. If you have not been telling the truth, say so, now, there is yet time.

Balleau.—I have told the truth, and stick to everything I have said.

This concluded the case for the prosecution.

The first witness for the defence described the house in which Vaux lived. He said that the third room was a bakehouse used as a lumber room and had in it neither bed, stove, nor furniture of any kind. Balleau, he said, was notorious in Longepierre as a liar and rogue, who destroyed the hedges by taking away parts of them as firewood and had been caught stealing flour from a mill. 'Anybody in Longepierre,' he concluded, 'can tell you that.'

A number of witnesses having given a similar account of Balleau, the President called on M. Gallemard. That worthy was obliged to admit that Balleau had not a good reputation and had committed a number of unimportant thefts. The President asked if he had ever been convicted of theft, to which Gallemard was able to answer no. 'Then you have no right to call him a thief,' replied the President. 'Balleau,' said the Mayor, 'is a man of weak character and limited intelligence. But in spite of his bad reputation, I believe him to be incapable of inventing things that are not true, and more particularly of supporting such inventions before a court of justice.'

One witness had been told by his brother-in-law that Balleau had offered him an unsigned bill as the price of a cow. Balleau denied the truth of this.

The last witness called for the defence was

M. Coste, receiver and collector to the commune of Longepierre. He had been associated with Vaux all the time that the latter had acted as secretary to the Mayor. 'He is a man of strict honesty,' he said, 'I have had many proofs of it. In my opinion it is impossible that Vaux could be at the head of a conspiracy to bring destruction on the commune.'

On hearing this testimony to the character of Vaux, Pichon, Gallemard's son-in-law, who was sitting in court, got up and said: 'I tremble when I hear M. Coste speaking in this way. Only three weeks ago he told me that Vaux was the man who in the case of these fires was holding the strings that moved the marionettes.' 'I may,' replied M. Coste, 'have used expressions I have since regretted. If at one time I suspected Vaux, I have since become certain that my suspicions were ill-founded. What I have said to-day, speaking on oath, I say after careful thought and as my profound conviction.'

Whatever advantage was to be gained by this incident, the prosecution was determined not to let slip. Immediately after M. Coste's evidence, the court adjourned until half-past one. As soon as they reassembled the Procureur de la République called M. Coste to the bar. 'M. Coste,' he asked, 'did you about three months ago say to a number of persons that Vaux held in one hand the dagger of Socialism and in the other the torch of the incendiary.' 'Yes,' answered M. Coste, 'I did use those words, but——' He was not allowed to finish. 'That is enough,' said the Procureur, 'you can sit down.'

In his address to the jury the Procureur de la République described Vaux as one of the most violent of schoolmasters, who as a class had produced so many factious demagogues. 'Vaux,' he said, 'was the first to fling among a peaceful people those pregnant words *rich* and *poor*.' He had provoked quarrels,

encouraged distrust, stirred up hatred. He had been the most ardent and passionate of those who had supported the allotment of the common land. Angered by his dismissal from his post, his daring and violence had redoubled. And lastly he had written an insolent letter 'to the illustrious prince who presides over the destinies of our country,' in which he dared to address him by the style of 'citizen.'

This was an allusion to a letter which Vaux had written to Prince Louis Napoleon Bonaparte as President of the Republic protesting against his dismissal from his position of schoolmaster. In the the ardour of his republicanism he had commenced his letter 'Citizen President.' On the eve of the proclamation of the Empire such conduct was regarded by authority as the height of insolence.

To the Procureur, Vaux was the soul of the conspiracy in Longepierre, the instigator, the brain of the crimes committed in the commune. Some of the prisoners he recommended to the jury as deserving of indulgence, that is to say extenuating circumstances which would save them from the extreme penalty; but to Vaux, Savet, Michaud, and Petit they were to show no mercy; there was no punishment however severe that could equal the hideous atrocity of their crimes.

The prime object of the prisoners' defence was to discredit the evidence of Balleau. This was not difficult. His character was bad, he had sworn five or six different depositions, some provedly untrue. Was it likely that the conspirators would have taken in and admitted to their designs such a man as Balleau, and that, after he had shown at their first meeting his unwillingness to join them, they would have invited him to a second? Could any means of buying a man's silence be more foolish or dangerous than to give him forged bills? His incorrect descriptions of

the house in which Vaux lived were enough to prove the utter untrustworthiness of his evidence. As to Vaux in particular there was absolutely no corroboration of Balleau's statements. How could the relations of Vaux with those who shared his political views, relations explicable on perfectly innocent grounds, be construed into proofs of conspiracy to commit arson?

It was nearly midnight when the speeches of the advocates were concluded. The President summed up the case to the jury in a sense highly unfavourable to all the prisoners, and at half-past three in the morning the jury retired to consider their verdict. They returned in three-quarters of an hour. They found the elder Savet guilty of kindling three out of the five fires charged in the indictment, and of complicity in the other two. Vaux, Petit, Michaud, and the younger Savet were convicted of complicity in all the five acts of incendiarism. The other three prisoners were acquitted. To all the five convicted prisoners the jury accorded extenuating circumstances. Vaux, Petit, Michaud, and the elder Savet were sentenced to penal servitude for life, the younger Savet to twelve years. On hearing his sentence Vaux exclaimed: 'I appeal to God!' As Petit was leaving the dock a voice whispered in his ear, 'You see we have found out a way to punish you! It will teach you not to talk so much!' He turned round and saw that it was Pichon, Gallemard's son-in-law, who had thus addressed him.

On reaching his cell Vaux wrote to his wife:—

'Irma Jeannin, dearest wife, whom God gave me and whom he takes from me to-day—for nothing happens but by His holy will—I restore you to your father.

Trust in God. The day of his justice will dawn for me, and villainy be exposed, I believe it firmly.

'On you, my loving and unhappy wife, and you, my dear little children, Ermence, Armand, Irma, and Junius Brutus, my fond blessing! Never forget that this cruel separation does not part us; my heart, my soul, my every thought will be with you everywhere and always.

'My dearest ones, live and grow up good children, raise your hearts and little hands to God, ask justice of him, and one day, not perhaps far distant, he will give you back your father. Whatever may befall me, whatever fate he in his omnipotence may have in store for me, always, my wife and children, hold your heads high before men, and remember that the name I have given you is without stain in the eyes of the Eternal God.

'Good-bye, good-bye,

'PETER VAUX.

'Without fear and without reproach.

'On returning from the Assize Court, June 25, 1852.'

Many years later a high legal authority pronounced the conviction of Vaux to be a judicial crime. It seems certainly little short of a crime to have sent any man to penal servitude for life on the uncorroborated evidence of such a rascal as Balleau. Unfortunately, French criminal procedure, with its entire absence of all rules of evidence, makes such crimes easy. Only a few years before the conviction of Vaux, a farmer in Normandy had been twice convicted of arson on evidence of persons as worthless as Balleau and representing themselves as accomplices of the accused. Only the determined efforts of the great advocate, Berryer, saved an innocent man from the same fate as Vaux.[1] In the case of Vaux there was no Berryer with his irresistible genius to champion his cause, and so he fell and suffered. It has been urged in their

[1] Case of Dehors, reported in Volume X. of Fouquier, *Causes Célèbres*.

excuse that judges and jury believed honestly in the guilt of Vaux and his companions. They could see no other explanation of the plague of fires that had afflicted Longepierre. Many of their countrymen who had witnessed the failure of the Republic to preserve law and order, believed that Louis Napoleon stood alone between them and anarchy, and that the extreme republicans were plotting to plunge the country once again into riot and confusion. Vaux was a red republican in the eyes of authority and therefore *capable de tout.* What more likely in their judgment than that he and his friends should stick at no act of lawlessness or crime to revenge themselves for the failure of their party? Thus may have reasoned honestly apprehensive men, and for that reason the original conviction of Vaux may perhaps be reduced from a judicial crime to a judicial error. The crime was yet to come.

In Longepierre itself the sentence on Vaux was a shock even to his opponents. They had sought his ruin, but they had not reckoned on so terrible a punishment. The oily Gallemard affected deep regret at the unfortunate result of his efforts. He told the advocate of Vaux that Balleau was a rogue, and probably the real incendiary. He went about saying that he feared Vaux had been wrongly convicted. 'I don't believe,' he said, 'Vaux had anything to do with the fires. But he was a man they wanted to get rid of.' When he met the children of Vaux in the street he would give them halfpennies and shed tears over their father's unhappy fate.

That fate Vaux was prepared to suffer with patience, submitting to the will of God. At first he refused to join in an appeal to the Court of Cassation against the judgment of the Assize Court. Two days after his sentence he wrote to the Procureur de la République: 'I respect the verdict of the jury,' he said, 'and cruel as

is the punishment inflicted on me, on my wife and children, I will appeal from their verdict to God alone, to the Judge of Judges who I am sure will not desert me. Do not think, sir, that I cherish against my judges any feeling of hatred. No! If one can forgive even a perjured witness, one cannot believe that honest men would violate their oaths; they have been deceived. When the hour of my rehabilitation comes, when God suffers the proof of my innocence, then I am convinced that you will be the first to give me justice.' He goes on to ask that as he is young, only thirty-one, vigorous and fond of work, he should be sent to the penal settlement at Cayenne. 'A convict,' he concludes, 'may not presume to offer you his respects.' Yielding to the urgent solicitation of his friends, Vaux joined ultimately in the appeal to the Court of Cassation; but it was unsuccessful. The only hope lay in a direct appeal to the President of the Republic.

On the first of July, Vaux had the happiness to see his wife and children. Madame Vaux was now within a few days of her confinement, but she was able to make the journey from Longepierre to Chalon with their eldest child, Ermence, a little girl of six. In a letter written to his wife after their visit Vaux describes how the little girl slipped a few cherries into his hand without a word, so as not to be heard or seen by the warders. 'What was passing,' he writes, 'through her innocent soul? God alone knows!' He thanks his wife for her patience and courage: 'I shall never forget the noble words which your love for me inspired, "Your soul is my soul, as your heart is my heart. My life is bound with your life as my soul with your soul. Call me and I will come to you. Wherever fate may lead you, there will I follow."'

On the 29th a daughter was born to Vaux. He writes to his wife, rejoicing that she has come safely through her trouble. He regrets that he cannot be

with her to take his child in his arms: 'To your sorrow and mine, my dear Irma, I was born fifty years too soon. The men of our time think me dangerous, and they have done all in their power to ruin me.' But as ever he expresses his firm conviction that God will one day expose the machinations of his enemies, grant him justice and restore him to those he loves. His brother has sent him fifty francs:—

'With these I shall be able to amuse myself by giving tobacco to one, to another an apple to munch. The poor prisoners here are far more unfortunate and to be pitied than I. To the resentment of their fellow-men and the punishment of the law they have to endure in addition the remorse of a guilty conscience which leaves them neither peace nor rest. I have not met one really pure heart among them. The man from Louhans, sentenced to penal servitude for life for having whitened a halfpenny and tried to pass it as silver money, seems to be, after myself, the most ill-used. For the rest some of them boast openly of their great crimes. They are wretchedly unhappy. A bit of bread, a rotten apple, a pinch of tobacco, a kind word, the least thing gives them so much pleasure. There are three children here about as large as our little Brutus. I can hear them crying sometimes. I feel sorry for them, especially when I think of my own. I have given them some of the cakes Mama sent me, but I hadn't the satisfaction of seeing them eat them.'

Vaux made two personal appeals to Louis Napoleon asking for justice. This time he did not address him as 'Citizen President,' but as 'August Prince.' He admitted that he had been an ardent republican but had never belonged to any club or society: 'I had the misfortune to believe those who at the time were my legitimate superiors; I wished to alleviate the misery of the unfortunate, and with that object in view I brought about the division of the common land

at Longepierre.' If it were not damaging to the reputation of justice, he writes, he could give a hundred proofs of his innocence, but he would rather die in chains than believe that justice had stooped to serve the ends of revenge; she has been deceived. It was intimated to Vaux that if he were to ask for pardon instead of justice, his appeal might be successful. His reply to such a suggestion was spirited. 'Only the guilty ask for pardon,' he writes to his wife, 'Were I to commit such an act of cowardice, I should be unworthy of you—it would cover me with shame and disgrace, it would be paying too dear for liberty—I would rather wear the livery of a convict all my life and die in jail than stoop to a disgraceful lie. I am an innocent man: I ask for justice. Pardon, never!'

A more urgent prayer was to be addressed to Louis Napoleon. In the September of 1852, he paid an official visit to Lyons. There Madame Vaux, her newly born infant in her arms, threw herself at the feet of the President and asked pardon for her husband. Persigny, then Minister of the Interior, who was accompanying his master, raised up the unhappy woman. 'I will look into your husband's case,' he said, 'I give you my word of honour.' He then took the baby in his arms and kissed it. 'When you go home,' he added, 'write to me and remind me that I kissed your little child so that I may not forget you.' This effective and discreet scene, occurring as it did on the eve of the proclamation of the Empire, was however disappointing in its result. Madame Vaux wrote to Persigny. He referred the case to the Minister of Justice, who declined to interfere with the judgment. In December Madame Vaux journeyed to Paris to see Persigny, but failed to obtain an interview. On returning to Longepierre she drew up a petition to the Minister. She had already got some sixty-four signatures and had the promise of more

than four hundred when the document was seized by M. Gallemard. Though ready to give halfpennies to the children of Vaux, the Mayor of Longepierre had no intention of helping to restore their father to his family, if he could possibly prevent it.

It is a curious fact, and a tribute to the subtle hypocrisy of Gallemard, that it was only after his conduct in this matter of the petition, that Vaux realised that the Mayor was, and had been his most dangerous enemy, that his 'calculated villainy' had been the principal means of working his destruction. He saw now that his ruin had been plotted and brought about by this village Tartufe, that at the cost of even crime the Mayor had determined to get rid of him. But still he clings to the believe that before very long justice will be done. He writes to his wife:—

'It will come surely, that glorious day. It would be to strangely misunderstand Providence to believe that she has given me the love of Truth and Justice, planted in my breast this burning desire for good, pity for the unfortunate, that unselfishness which you know, of which I have always been so proud—given me all these only to send me to die in a convict prison.'

An incident that occurred when he was visited in prison by the parish priest of Longepierre affords a striking instance of the outspokenness of Vaux, his inability to conceal his opinions, of what more timid persons would describe as his want of tact.

'The priest was accompanied by the prison chaplain. After greeting me they asked me what I did. Always candid and straightforward I told them that priests had done me too much harm to lead me to accept their teaching. The chaplain said, "What harm have I done you?" I answered, "I have nothing to say against your behaviour to me. Knowing as you do my innermost thoughts and consequently my innocence, you were the first to tell me that I should leave to my

children a stainless name——" "What? What?" said the poor man, afraid of compromising himself, "I never said that." But he had said it more than once. However, his denial cut short my expressions of gratitude and approval. Alas! I sometimes think I am the only man in the world who makes truth a principle. Perhaps I am rather too proud, but, whatever happens, I shall speak the truth in all things. I could not do otherwise.'

At the time of this interview the parish priest of Longepierre knew a certain fact favourable to the innocence of Vaux which for some unexplained reason he did not divulge until nearly three years later.

At the end of November, Vaux was transferred from Chalon to the convict prison at Toulon. The journey made by road took three weeks. In a letter to his wife Vaux gives an interesting account of the condition of convict life in the French prisons of that day:—

'I have been sent into Hall 4. It is a large, dark room, serving as living room and dormitory for about fifty convicts. Two lines of beds run down the room. I was able to change my clothes and wash; I needed it badly. I have had my hair cut and been given a suit of white linen. My outfit comprises three shirts, a red cloth pair of trousers and a green cap. They have given me a white metal disc bearing the number 5613. The same day I was taken to the smithy to have the chain, which I have sketched at the side of this letter, fixed on to my leg. The large ring which you see at the lower end of the chain weighs more than two pounds. It is made up of two pieces fixed together by two iron bolts. When the leg of the patient has been put into the ring, the bolts are riveted together in such a way that the ring cannot be opened. This large ring is called the shackle. In order to prevent hurting the leg, a bit of stuff or leather is wrapped round it and the shackle put over that. The chain,

made up of nine long links, is five feet long. Each prisoner wears a leather belt with a hook on which he can hang the chain when he is walking.

A few moments before bedtime a whistle sounds which means that each man must go to his place. He gets on the bed; a warder comes bringing a large iron rod which he passes through the first link of the chain of each convict. The rod is then firmly fixed with padlocks. We are thus chained to our beds and can only move the length of our chain. . . . When everybody has been fixed up, another whistle is the signal for prayers. One of the prisoners recites them in a loud voice. When these are said each man wraps himself in his 'hood,' a blanket of thick gray wool, and lies down on his bed.

Every day we are given two pounds of bread; and at four o'clock in the afternoon on week-days, and midday on Sundays they bring buckets of soup with beans into the room. Each man helps himself to soup; he is allowed about two pints of soup and half a pint of beans. On working days we are allowed half a pint of wine; other days we get water from the fountain.

If a man has been sentenced to twenty or more years' penal servitude, he has to be 'coupled' for sixty months; that is to say his chain is fastened to that of another prisoner by means of a small shackle. One is not always coupled to the same man; sometimes the two can't agree and it is impossible for one to walk without the other.'

For three months Vaux was fortunate enough to be fastened in this way to a political prisoner, sentenced to penal servitude for having organised in a provincial town resistance to the *coup d'état*. At other times he had thieves, murderers, or coiners as his companions of the chain.

And so three years passed, Vaux still full of hope

and confidence that justice would be done to him at last. In 1855 he was removed from Toulon to Brest. The change was hard, as he had won the trust and sympathy of the authorities at Toulon and had been taken away from the ordinary work of a convict. But the same thing happened at Brest. After a few weeks he was 'uncoupled' and put to secretarial work. In the meantime events occurred at Longepierre, which gave the unhappy man only too good reason to hope that his innocence would soon be triumphantly vindicated, his enemies confounded and punished in his stead, and he himself restored to liberty.

IV

THE DEATH OF GALLEMARD

The conviction of Vaux and his supposed accomplices in arson had not put an end to the terrors of incendiarism in Longepierre. Less than three months after the trial of Vaux another fire broke out, again in the neighbourhood of the tobacco shop of Madame Frilley. The method pursued was the same as in the previous cases; the fire had been started underneath the thatched roof, and matches struck on the wall. Within less than a year three other fires broke out, causing some 40,000 francs worth of damage. Justice in the shape of Boulanger, inspired by Gallemard, considered these fires to be acts of revenge on the part of the family and friends of Peter Vaux. Two persons were arrested in connection with them and detained for some months in prison.

Popular opinion did not share the belief of justice. It was impressed by the fact that all those whose property had suffered in these cases were persons who

had for different reasons incurred the hostility of the Mayor or his son-in-law, and that both Gallemard and Balleau had been met under highly suspicious circumstances on the nights of two of the fires. But it was useless to make charges against M. Gallemard. He was now styled, not inaptly, the 'Emperor of Longepierre.' His will was law; he basked in the sunshine of official recognition; he and the Justice of the Peace had become the fastest of friends. It was dangerous to cross his path, as the fate of the woman Bonjour proved.

The woman Bonjour earned a precarious living by selling chestnuts. Her temper was violent and uncontrolled. Once her anger was aroused, her tongue knew no limits. But she was reputed truthful and honest. Her husband would seem to have exercised a mild restraint over her impetuosity, but he died in the May of 1853. One day in the following July Madame Bonjour committed unwittingly a trespass by tying up her horse on forbidden ground. She was seen to do this by M. Gallemard. He gave her no word of warning at the time, but in the evening laid an information against her. Enraged by his conduct the woman, Bonjour, the same evening told to one of the notables of the village a story regarding M. Gallemard, which, during the lifetime of her husband, she had been persuaded to keep to herself.

In February 1851, a month before the first act of incendiarism had occurred in Longepierre, a son of Madame Bonjour had been beaten by the village schoolmaster, and the day following turned out of the school. The indignant mother went to the then Mayor of the village who promised to set the matter right. As she was going home Madame Bonjour met Gallemard and his wife. She told them about her son; Gallemard said that he had been treated disgracefully and advised her to go and have it out with

the schoolmaster. At once the mother's rage was rekindled, she went straight to the schoolmaster's house, and a violent scene took place, in the course of which the woman Bonjour struck the schoolmaster. As a punishment for her violence she was sent to prison for ten days. From information that reached her from her lawyer, the woman Bonjour had reason to believe that Gallemard with characteristic duplicity had incited her to attack the schoolmaster, and had then denounced her to the authorities. She told Gallemard's son-in-law, Pichon, of her suspicions. Four days before the outbreak of the first fire in Longepierre she received a visit from Gallemard himself. He endeavoured to assuage her anger. He spoke with indignation of the fact that the right to sell tobacco in the village had been taken from him. He told her to send her children out of the room. Putting his hands in his pockets and rattling his money Gallemard said to the woman: 'Mother Bonjour, there's money to be made. I could tell it to your husband, but as he has nothing to do, I prefer to confide in you, for you can do what I want while carrying on your little business of selling chestnuts. The tobacco shop must be destroyed before long and others that people little expect.' The woman Bonjour replied that he had already got her into trouble enough and she declined to get into any further trouble on his account. 'I see,' said Gallemard, 'you are still angry with me and refuse to be brought to reason. If I become Mayor, as I soon hope to be, and I find out that you have breathed a word of what I have said to you, I will send you to rot in prison'; with that he left her.

Such was the story told by the woman Bonjour and publicly repeated in Longepierre in the August of 1853. It was impossible for Gallemard to ignore it. A local police-officer had, on his own initiative,

taken action in the matter. He had gone to the commissary of police and laid before him the woman's statement and also evidence of the suspicious movements of Gallemard on the nights of the recent fires. His zeal met with little encouragement. The Justice of the Peace told him that Gallemard was the best fellow in the world, the woman Bonjour a bad character. If, he said, Gallemard had been seen wandering about the village at night, it was due to his anxiety for the safety of the public, or to some little love affair. The unfortunate police officer found himself alternately threatened with imprisonment, or cajoled to reveal the names of those who were urging him to attack the character of the worthy Mayor. He could only reply that he had acted solely on his own responsibility. At the end of the month the woman Bonjour was arrested, and in September sentenced to a year's imprisonment for libelling the Mayor of Longepierre. The day of her arrest Gallemard was asked the cause of it. 'It is for talking too freely,' he replied, 'I have done to her as I did to John Petit.' It is little to be wondered at that from this time forth men feared to speak openly against Gallemard. Justice was blind where he was concerned and punishment swift.

A year passed; from the August of 1853 to the August of 1854, no outbreak of fire troubled the peace of Longepierre. It was a year of disappointment and thwarted ambition to M. Gallemard. Rich, powerful, feared, he felt that his proper place in the social scale of Longepierre was among the notables of the village. But they would have none of him; they despised and distrusted him; they resented his power, repelled his advances. Though none dared openly to attack him, the man was hated. His ambition was none the less insatiable. If the notables refused to gratify it, they, as their inferiors before them, must be made

to feel the weight of his resentment. Let him bring the notables to their knees, and his power in Longepierre would be absolute. It was worth the trying, the means were to hand.

Between the August of 1854 and the March of 1855 six more fires broke out in Longepierre, doing about 40,000 francs' worth of damage. All these fires consumed the property of notables, and in each case the victim had in some way or other given cause for offence to the Mayor or his son-in-law, Pichon. Gallemard suggested to the pliant Boulanger that in all the cases the owners of the property had committed arson in order to benefit by insurances. A judicial investigation took place along the lines laid down by the Mayor, and at length in March 1855 three notables were arrested and charged with arson.

But this time M. Gallemard had overreached himself. The notables could not be attacked with the same impunity as humbler folk; they were conservatives, landowners, friends to the existing régime, not red republicans. Immediately on the arrests of their fellows, twelve of them went as a deputation to the Procureur-Général of the Court of Appeal at Dijon. They complained of the conduct of Gallemard and the fatuous behaviour of the Justice of the Peace, and declared that as long as these two held office in Longepierre it was hopeless to look for the detection and punishment of the real incendiaries. The Procureur-Général lent a sympathetic ear to their protest. He came himself to Longepierre. As a result of his inquiry the arrested notables were released, Gallemard was asked to resign his office of Mayor and the Justice Boulanger transferred to another district, though strangely enough his transfer was rather in the nature of promotion than disgrace.

The shades of night were falling around the tortuous path of M. Gallemard. But he was not altogether

lost. The authorities had not made public his resignation of the mayoralty; he was still permitted to act as provisional Mayor. Nor had Boulanger quite severed his connection with Longepierre. He was due there on April 12th, on legal business. The very night of his arrival a fire broke out at a school kept by some religious sisters. It commenced at nine o'clock; the building was burnt to the ground. This time it was the property of the commune that had been destroyed by the incendiary. Either, as Gallemard suggested, the guilty notables had destroyed communal property to divert suspicion from themselves, or some incendiary maniac was at work in the village.

But, plausible as were M. Gallemard's surmises, an event occurred which gave them the lie. An energetic gendarme, named Revenu, had for some time suspected that Balleau, the chief witness against Peter Vaux, the protégé of Gallemard, the simple man of truth, was no stranger to these nocturnal conflagrations. No sooner had the fire broken out at the sisters' school than Revenu hurried to Balleau's house, distant some two hundred and fifty yards from the scene of the fire. There he found that honest man breathless and excited; his shoes were covered with thick mud. This could not have come from the roads, which at Longepierre were gravelled; but to get the shortest way from Balleau's house to the burning school was to traverse muddy fields freshly cultivated. Revenu arrested Balleau. The footsteps found in the muddy fields and those in the garden of the school were measured and compared. A woman —a mistress of Gallemard who, though a family man, would seem to have been no slave to convention— —had seen Balleau crossing the fields between his house and the school. The prisoner was taken before Boulanger; Gallemard was present. After a

consultation between the Justice and the Mayor, Revenu was told to release his prisoner. He obeyed reluctantly.

Balleau was free, Gallemard warned his mistress that Balleau had already sent one relation of hers to prison for talking too much and might send her, if she were not more careful.

But the gendarme, Revenu, was a man of determination. He kept his eye on Balleau. The latter began to lose his nerve. He became wild and restless, sold his house, wandered about the neighbouring villages in a state of desperation, threatening to commit suicide. A priest called the attention of Revenu to the man's dangerous condition. Revenu arrested him. 'This time,' he said, 'I am going to take you to Chalon; and not leave you at the disposal of M. Gallemard.

Pressed to speak the truth, confronted with the evidence against him, Balleau at length confessed that it was he who had set fire to the school, that he had done it at the bidding of Gallemard, and that a thief named Quinard, and a drunkard, Moisonnier, had been his accomplices in the deed. Later Balleau made further accusations against Gallemard. He represented him as the accomplice of Vaux and the others, as having been present at the meeting at the house of Vaux, and as having been since 1851 the chief of the incendiary conspiracy.

These statements of Balleau were a serious blow to M. Gallemard. More serious still was the temper of the new Justice of the Peace who had come to Longepierre in place of Boulanger. His name was Feurtet. He was upright and energetic, determined to solve the mystery of the years of crime at Longepierre, to do justice if possible to guilty and innocent alike, remedy the culpable weakness of his unworthy predecessor. It took him but little time to become convinced of the guilt of M. Gallemard. On June

25th, Gallemard was arrested by Revenu. Brought into the police barracks at Longepierre the ex-Mayor folded his arms and said: 'Well, so they say that I am the incendiary! It was Balleau who was responsible for the first fire in Longepierre; he is a great lazy good-for-nothing!' 'Then,' said Revenu, 'you think I did the right thing in arresting him.' 'You have got two of them now,' replied Gallemard, 'they say I am the chief; there will be no more fires in Longepierre.' Confronted before the magistrates with the charges made against him by Balleau, Gallemard denounced him as a liar. When reminded that before the Assize Court at the trial of Vaux he had given Balleau the character of a man incapable of perjury, he denied that he had ever guaranteed his truthfulness or had in any way inspired his evidence.

One piece of evidence was now given against Gallemard and Balleau which, had it been produced at the trial of Vaux, might well have affected its result. The statement came from the village priest of Longepierre, who had withheld it until the hour of Gallemard's fall. He said that on the night of the fire of March 8th, 1852, which destroyed the property of one Billon, he received an unexpected visit from Gallemard. The Mayor sat down in front of the priest, his face to the window. The priest noticed that his visitor was looking at him stealthily according to his habit. Suddenly the cry of 'Fire!' was heard. The priest jumped to his feet and saw from the window the glare of the flames reflected on the roofs of the adjacent houses. 'It's a fire,' said Gallemard, 'at poor Billon's!' Next day the priest found to his surprise that Billon's farm was on the opposite side of the parsonage to the window, in front of which Gallemard had been sitting, and could not possibly be seen from any point of the priest's house. The same day he was sent for by Balleau. He found him

prostrate and greatly complaining, his countenance haggard and restless, his wife troubled and uneasy. Three days later another fire broke out. On the day following Balleau sent again for the priest and again he found him wild and wretched, unable to look his visitor in the face.

It was certainly strange that the village priest should have kept this story to himself at a time when men were being sent to penal servitude for life on the evidence of Balleau and Gallemard. But Gallemard stood well with the church. Even after his arrest two of the neighbouring priests were busy in his defence, helping him to carry on a clandestine correspondence with his wife and family. At many points the new Justice of the Peace, Feurtet, found his investigation hampered and depreciated. His colleague Boulanger carried on a veritable crusade against him, and succeeded in winning over to his side some members of the clergy. He said that the arrest of Gallemard was a 'grave mistake,' and that in eight days he would be a free man. For some mysterious reason the judicial authorities at Chalon saw fit to bestow on this unjust judge 'evidences of their great goodwill.' But all these efforts to rescue Gallemard from his fate proved unavailing in face of the energy and resolution of Feurtet. He was determined to get to the bottom of the business.

A few days before the arrest of Gallemard the Sub-Prefect of the department had written to Feurtet asking for information about Gallemard, as the authorities had a mind to recommend him for a decoration on the approaching August 15th, the Fête Day of the First Napoleon, a day of rejoicing under the Imperial régime. Feurtet asked the Sub-Prefect to wait a few days. Within a week Gallemard had been placed under arrest. Feurtet had collected four hundred depositions of witnesses

implicating the ex-Mayor of Longepierre. These he submitted to his colleague Metman, the examining magistrate at Chalon, to whom the preliminary investigation into Gallemard's case had been entrusted. Metman had been slow, as all the authorities at Chalon, to accept the proof of the guilt of Gallemard, but before the energy of Feurtet he had been obliged to give way. He sent for Feurtet to Chalon. There on August 12th, at one o'clock in the afternoon, Gallemard was brought before the two magistrates. Feurtet had prepared three hundred and fifty questions which were to be put categorically to Gallemard. The scene is best described in the words of Feurtet himself:—

'The face of Gallemard was calm enough except that from his gray eyes he cast an uneasy and sinister glance at me as he sat down. His bearing was firm. He sat in an arm-chair opposite to M. Metman and myself. There were two gendarmes on my left. After M. Metman had put some questions to Gallemard which the latter answered with a coolness that seemed to embarrass M. Metman, my colleague asked me to conduct the examination, whilst he drew up the official report of the proceedings. Before putting any questions to him, I told Gallemard that I was appealing to his honesty, if he had any left, that I did not wish to confuse him, and asked him to reply yes or no to my questions, except where they referred to some incident capable of explanation. I warned him that it was in his best interest to simply answer yes or no, for I should only put to him questions based on ample evidence, that it would be wiser for him to confess rather than deny, as I was in a position to meet his denials by unexceptionable testimony, that he might rest assured that I should not put to him any question that was not founded on facts proved by witnesses.

I commenced my examination from the earliest occurrences at Longepierre. At first, as I had foreseen, Gallemard was inclined to be talkative, trying to discuss matters and put questions to me. I coldly persisted in my examination, until impressed by my manner of questioning him, his answers grew weaker and more uncertain. When I came to the forged bills, which Michaud had given to Balleau, I showed him one signed in blue ink, "Gallemard." I asked him if it was his signature. He denied it. "Unhappy man," I said, "I am showing you this bill in order that I may not have to summon here its real author. Do you wish me to arrest your daughter as your accomplice, whom I would rather treat as your dupe?" The tears gushed from his eyes, his face assumed an expression of the utmost suffering; he asked to look again at the signature, and then, as he handed it back to me, he said in a tone of absolute sincerity, "Yes, it is my signature." It had tortured him to see his daughter involved in his crime and disgrace. In order to shield her he declared the signature to be his, when it was in fact his daughter's.

After this incident, so distressing to his feelings as a father, he allowed my questions to go by with a mere denial, sometimes without a word; he seemed gloomy and depressed. When at six o'clock I had completed the circle of my examination he appeared to be prostrated, his mouth dry, he was unable to utter a word. We had some time since, from motives of discretion, sent the two gendarmes out of the room.

When at length Gallemard could no longer answer my questions, we decided to send him back to his cell. There were only the three of us, M. Metman, Gallemard, and myself in the magistrate's room, which is separated from the prison by a passage in the courtyard. I rose to go and fetch the warder. M. Metman made haste to go himself. "I will fetch him," he

said. He did not wish to be left alone with a man as strong, powerful, and desperate as Gallemard. I was alone with him. Hardly had M. Metman left the room than Gallemard got up from his chair and walked towards me, his gray eyes flashing, his muscles quivering. I in my turn rose and walked boldly and decidedly towards him. In face of my attitude he stopped. I advanced towards him and folding my arms with the firmness of a man who is neither surprised nor astonished, I said to him: "Well! M. Gallemard, you are very surprised to find that I know so much about your crimes! But there are mysteries still hidden in your breast which you alone can reveal. Take courage; be, if you can, an honest man, and tear aside the veil which covers your crimes at Longepierre; confess, repent; I cannot promise you the forgiveness of men, your crimes are too great, but God will take account of your confession and extend to you His mercy, all the greater for those whose crimes are the most unpardonable." He lowered his gray eyes, made no answer, turned and went back to his chair, into which he threw himself, a lion tamed by the look of one stronger than himself.

M. Metman returned with the warder, who took Gallemard back to prison. I told M. Metman how Gallemard had behaved towards me, how he had not dared to execute any sinister design on a man who had faced him with firmness and energy. M. Metman is very small and slight. We believed that if he had remained alone with Gallemard, the latter could have easily strangled him, escaped from the building which was at that time deserted, taken the train for Geneva due at that hour, and so escaped from justice.'

There is something very pleasing in the simple pride with which Feurtet describes his prowess in daunting the desperate Gallemard, and his succesful conduct of the examination in the presence of his

judicial superior. Metman would seem to have been a weak and inefficient man by the side of his colleague.

One point that Feurtet made in his examination of Gallemard is not given in this account of the proceedings. Feurtet had obtained evidence in the village that on the evening of the fire at the Sisters' school, Gallemard had been with Balleau from five to six o'clock, and that from seven to eight o'clock he had been engaged with Balleau, Quinard, and Moisonnier, in making the matches to be used at the approaching conflagration. Gallemard had denied this and asserted that he had spent the whole evening with his friend Boulanger who had come that day to Longepierre. Feurtet wrote to his colleague asking him to recollect particularly the events of that evening. Boulanger replied that Gallemard had left him from five to six, and seven to eight o'clock. When Feurtet, in the course of the examination, told Gallemard of Boulanger's reply, the ex-Mayor exclaimed in accents of despair, 'He, too, deserts me!'

That Feurtet had broken the spirit of Gallemard was soon to be proved in startling fashion. The ex-Mayor of Longepierre returned to his cell conscious that his guilt was now fully established, that conviction, and in all probability the scaffold could be the only end. Before his arrest Gallemard had said, 'If I am to be taken, I should not allow myself to be guillotined, I would kill myself first.' When in the evening his dinner was brought to him he drank off at one gulp the bottle of wine supplied to him, but left the food untouched. He then wrote some letters. After that he drew the table up to the window, placed a stool on it, attached his napkin in the form of a noose to the horizontal bar of the window, mounted on to the stool, placed his neck in the noose, and kicking away the stool, hanged himself. He took his life about one o'clock on the morning of the 13th of August.

Among the letters he left behind was one written in the form of an adjuration to the Virgin Mary. It ran:—

'Prayer to Mary for her protection in the hour of death. You see at your feet, gentle Mother, the most guilty of creatures. I have always believed that one day I should die and be judged. But what, Mary, will be my lot in eternity after my many sins? What can await me but the hell I have so richly deserved? When I think how many times by my sins I have condemned myself, my fear is so great that I feel crushed and hopeless. Oh! comforter of the afflicted! have pity on me, I am devoured with remorse! I see that there is no good in me, I know that hell itself only awaits my death to accuse me. Divine justice must be vindicated. Alas! what will be my fate when the moment comes to decide my lot in all eternity?

Mary, gentle and compassionate Mother, without you all is lost, there can be no hope, no heaven, no God save the God of vengeance; hell rejoices at the thought of its new victim. Alas! to whom can I turn in this supreme moment? I can hear nothing but voices of reproach for the abundant graces bestowed on me and rejected. But, gentle Mother, you are the refuge and the hope of the most guilty. Kindly protectress, when this moment comes, *and it will come soon*, I shall utter cries so pitiful, and shed tears so bitter, that you will not be able to help looking towards me and recognising in me one of your children who repents and asks your help. If my words cannot move you, I will show you my heart, and on it you will find your name written in large letters, and you will then see that I love you. Merciful Mother, be at my side when your son comes to judge me, show to him my soul; will he then be able to cast me into hell?

Am I to be the first who has sought your help and

whom you have rejected? No, I still hope. I am going to pray to you, love you and try so earnestly to imitate you in pureness of heart that seeing in me a child faithfully following the path of virtue, I shall persuade you, gentle Mother, to be with me in my last hour, as with many of your servants, and to say to me, " Come, my dearly beloved son, I will lead you myself to the throne which my son has prepared for you." So be it.'

That a man should ' meet his dearest foe in heaven ' has been held to be the greatest of misfortunes. What we may well ask would be the feelings of Peter Vaux if, on arriving there, he were to find Gallemard seated on a throne prepared for him by Our Lord? The selfish remorse of this scoundrel is on a level with his astonishing villainy. The three years' ascendancy of Gallemard in Longepierre is one of the most masterly efforts of crime with which we are acquainted. The entire subjection in which by fear or favour this dishonest tavern-keeper held his fellows, the cunning with which he made religion and authority his dupes, the power by means of which he inflicted dire punishment on those who stood in his way, the subtle determination with which he pursued his ambitious course might well have enabled this village tyrant, had he moved in an ampler field for his ambition, ' to wade through slaughter to a throne, and shut the gates of mercy on mankind.' That, loaded with crime, he should have cried so passionately to heaven to have mercy on himself, without any regard to the sufferings of his victims, is quite in keeping with the character of persons of this kind.

Besides his appeal to the Virgin, Gallemard had written letters to his family. In spite of the husband's infidelities the Gallemard household would appear to have been quite united among themselves, and it was no doubt to a great extent to spare them the

disgrace and inconveniences of his conviction and sentence that Gallemard took his life. In his letters he asserted his innocence, exonerated Quinard and Moisonnier of any guilt and revenged himself on Balleau, by declaring him to be the sole incendiary. How he, as an innocent man, came to be so well acquainted with the real facts as to the crimes in Longepierre, he did not explain, nor did he say one word in exoneration of Vaux, and those condemned with him.

V

THE GREAT BETRAYAL

It was as a convict at Brest that Vaux learnt of the arrest of Balleau. Now at last, after three years of waiting, his heart was filled with hope; he saw the end of his sufferings, the vindication of his honour in sight.

'At last,' he writes to his wife, 'at last Heaven has heard our prayers. The wretched Balleau is in jail, his corrupter, the infamous Gallemard, is unmasked. I thank God even for my sufferings now that he has deigned to remember me, my dear wife, and my dear little orphans. I shall be allowed to die in peace now that my innocence is at last an established fact, proved, patent to all men. . . . The preliminary investigation must result in my vindication, for it will make known who are the real culprits. Balleau, once the means of my destruction, will prove to-day the means of my salvation; for I feel sure that if it be the will of justice, she will learn from him the whole truth, all the villainy that has brought such ruin on Longepierre, and all the infamous intrigues that had wellnigh brought me to the scaffold.'

The unhappy man little realised in the hope and joy of the moment that it was not, and would not be, the will of justice that his innocence should be established. The judge of the Court of Cassation, at the final hearing of the case of Vaux and Petit, thus describes the attitude of the judicial authorities at this point in the story:—

'We regret, but it is our duty to state, that from the beginning of the proceedings taken against Gallemard, and when his arrest had been decided on, the magistrates who directed these proceedings, whether at the court at Dijon or the Tribunal at Chalon, as well as the examining magistrate attached to that court, knew perfectly well the direction which these new proceedings must take and completely realised the fact that, if the investigation by the Justice of the Peace, Feurtet, proved the complicity of Gallemard in the fires of 1851 and 1852, necessarily and logically the question of the guilt of Vaux and Petit must be reopened and the justice of the verdict of 1852, in so far as it affected these two men, become a matter of lively controversy. The duty of these magistrates in such a situation was clear and simple. They had only to let the investigation follow its course, the more so as the Justice of the Peace employed in it had been chosen by them as being peculiarly able and competent in the judicial detection of crime.'

But such was not the purpose or intention of these magistrates. From the very outset of his investigation, Feurtet was warned that in no sense was he to reopen the question of the conviction of Vaux. 'In regard to Vaux,' wrote the Procureur-Impérial at Chalon, 'it is very essential that, while collecting evidence proving the guilt of Gallemard as an accomplice of the original gang of incendiaries, you should accept officially no evidence that would presume the innocence of Vaux and his fellows. These persons, whose guilt

is denied by some, appear to have deserved the punishment inflicted on them; all that can be inferred from our present knowledge is the complicity of Gallemard, which in no way disproves the guilt of those sentenced in 1852.' Again the same magistrate tells Metman to write to Feurtet: 'Above all nothing is to be done that would justify the anticipation of any revision in the case of Vaux; it is quite likely that Gallemard was the accomplice of those whom he helped to convict; the rage with which Vaux speaks of him, without making any definite charge, appears to me to lead naturally to such a conclusion.'

But quite naturally Feurtet, from the moment he commenced a thorough and searching examination of the whole series of crimes at Longepierre, was led to the very opposite conclusion. Why, he asked himself, had Vaux, a man of intelligence, allowed himself to be condemned without revealing the guilt of Gallemard who, though his accomplice, was helping to bring about his ruin? In order to answer this question the judge asked the new Mayor of Longepierre and the father-in-law of Vaux to write to the convict at Brest and ask him to 'take his courage in both hands,' and tell all he knew about the crimes at Longepierre. The form of approach was not very happy. Conscious of his innocence, smarting under three years of unjust imprisonment, Vaux resented bitterly the way in which these requests were made. To the Mayor he replied: 'Either I am guilty or not. If the former, what trust can you have in me, how can you appeal to my heart or feelings? A brigand has no heart, an incendiary no feelings. If the latter, how can an honest man fling in the face of one he knows to be innocent such a heartless insult?' He said that he had done all in his power to get the truth from those who had suffered with him, and that two of them on their death-beds had called God

to witness their innocence. 'Yes,' he concluded, '*I take my courage in both hands*, but not to say what I don't know. If I take my courage in both hands, it is to find strength to endure the shameful insult you fling in my face, to bear with fortitude the burden of my chains, whilst awaiting the day which will surely come, when justice shall be done me.'

To his father-in-law the answer of Vaux was even more bitterly indignant. If, he wrote, he were not the father of his wife, he would ask how he dared to insult him by writing such words as 'guilty or not, give all the information you can.' A more disgraceful insult could not be inflicted on him: 'your son-in-law will die in prison if need be, but he will never dishonour himself. You speak of pardon. Only the guilty ask for pardon; but he asks for justice, and if his own people desert and forget him, he will yet receive it at the hands of God.'

Feurtet's comment on these answers of Vaux to his well-meant inquiries show his very real sense of justice. 'Vaux,' he wrote, 'replied with the most insolent letter imaginable, but it did not wound me. This man distrusted all judges and believed the letter to be a trap. He had suffered enough already, poor fellow, to have lost all confidence in magistrates.'

Vaux may well have lost confidence in magistrates. He was now at their hands to suffer the cruellest of disappointments. Feurtet in his determination to get at the truth had suggested that he should go himself to Brest to examine Vaux; he offered to pay his own expenses. The authorities replied by sending Vaux on August 7th to the penal settlement at Cayenne, in French Guiana. Feurtet wrote to the examining magistrate at Chalon: 'First of all I have the honour to announce to you that, in order to gratify the Procureur-Impérial, the inflexible Vaux has been sent from Brest to Guiana.' Bitter as was the blow

struck at his hopes, Vaux faced it with courage and unshaken faith in God. To his mother he wrote: 'It may be the will of God that the vengeance of men shall pursue your child to the grave. To hide their own guilt the basest criminals have not hesitated to sacrifice me, to tear me from the bosom of my family, my devoted wife, the tears, the cries of my five poor little children; I have been dragged from prison to prison, jail to jail, one climate to another, loaded with chains, wearing the garb of shame and disgrace. In the midst of every kind of torture, moral and physical, herded with the lowest criminals, God has kept me untainted; in the midst of disease He has preserved my life.' He is still confident in the future: 'The hand of God has fallen heavily on my enemies, and in spite of all, while awaiting the justice of God, the justice of men will be done me here below.'

If it had been in the power of Feurtet, Vaux might have reckoned safely on his vindication at the hands of human justice. The investigation by that magistrate had not terminated with the suicide of Gallemard. It was his duty to inquire into the whole circumstances of the acts of incendiarism at Longepierre, and more particularly into the cases of Balleau, Quinard, and Moisonnier, the alleged accomplices of Gallemard, who were now awaiting trial on charges of arson. The further he prosecuted his inquiries, the more strongly he found himself forced to the conclusion that, 'while the complicity of Gallemard in all the criminal acts was everywhere apparent, that of Vaux was apparent nowhere.' He found that to represent Vaux as the accomplice of Gallemard was contradicted by the fact that Vaux and Gallemard had already fallen out over the question of the mayoralty before the fires took place in Longepierre. For every one of the acts of arson, of complicity in which Vaux had been convicted, there was a clear motive ascribable to

Gallemard, a motive of greed or revenge, but none to Vaux. Vaux had no reason for wishing to destroy the property of Madame Frilley, to whom the tobacco monopoly had been granted when it was taken away from Gallemard; Vaux had no reason for attacking the property of the notables who, before the commencement of the fires, had already yielded to his demands in the matter of the division of the communal land. Gallemard, on the other hand, had threatened openly the destruction of Madame Frilley's premises, and had not forgiven the notables their share in getting the tobacco monopoly taken away from him, or their subsequent refusal to respond to his advances.

Of those convicted along with Vaux, the elder Savet appeared in the course of Feurtet's investigation to be seriously implicated as an accomplice of Gallemard, but it appeared with equal clearness that Vaux had always shunned the society of Savet. The evidence collected by Feurtet in 1855, while establishing the guilt of Gallemard, seemed with equal force to exclude that of Vaux.

There remained Balleau, the creature now cited as the accomplice of Gallemard, Balleau whose dubious evidence had played the chief part in the conviction of Vaux. On his evidence alone rested the story of the meeting of the incendiary conspirators in the house of Vaux previous to the outbreak of the first fires. He still maintained that such a meeting had taken place, but to the number of the conspirators he now added Gallemard; he represented Vaux and Gallemard as united in their determination to destroy the property of the rich. Feurtet, the more he examined the statements of Balleau, both at the trial of Vaux and after the arrest of Gallemard, realised how utterly unreliable these statements were. 'Not a witness,' he writes, 'not a word is forthcoming to corroborate Balleau; what reliance can be placed on any evidence

when it is not confirmed by my own investigations?' Vaux having been sent out of France, Feurtet now suggested that he should go to Brest to examine John Petit, who was still serving his time in the prison there. But he was told that it was useless. In September, John Petit had been sent by an administrative order to join Vaux in New Caledonia.

The only remaining hope was to get the truth, if such a thing were possible, from Balleau himself. He, along with Quinard and Moisonnier, had been sent for trial to the Assize Court at Chalon, charged with seven acts of arson committed between November 1852 and April 1855. The trial was fixed to take place at the beginning of December. At the last moment it was postponed to the next Assizes to be held in March of the following year. The December Assizes at Chalon had been presided over by one of the judges from the Appeal Court of Dijon, Grasset by name. When it was decided to postpone the hearing, President Grasset sent for Feurtet to consult him; he was to try the case himself at the March Assizes. Feurtet arrived at Chalon on December 7th. Before seeing the judge he went straight to the prison in which Balleau was confined. The moment he entered the cell, Balleau got up and said to Feurtet with some emotion, 'I was expecting a second visit from the President of the Assize Court.[1] I had made up my mind to tell him the whole truth about the crimes at Longepierre. I am glad to see you, M. Feurtet, who know all the circumstances. I am going to tell you everything.' He then went on to say: 'I was never present at any meeting of incendiaries; I do not know if any took place. Everything I swore

[1] According to the French Criminal Code it is the duty of the President of the Assize Court to interrogate secretly each prisoner before his trial in order to discover whether the prisoner persists in his statements made during the preliminary investigation into the case, or desires to modify them in any way.

to this effect was dictated to me by Gallemard; he made me repeat my lesson twenty times, and was always present when M. Boulanger examined me, and helped me by his cleverness to stick to my statements. It was he who told me to say that the first meeting took place in the third room in the house of Vaux, and as I had never been there, I was caught out on that point. I perpetrated the first fire in March 1851, at the bidding of Gallemard and Pichon; they had fixed midnight, and Gallemard came with a lantern to encourage us.'

Feurtet asked no questions. He went straight to the President of the Assize Court. Grasset received the news of this startling evidence without apparently any great interest, and merely remarked: 'That's nothing, I can easily bring Balleau round again.'

Astonished at the cool reception of his intelligence, Feurtet left the judge and went to Metman, the examining magistrate. Here his news was received more sympathetically. Metman shared his colleague's belief in the guilt of Balleau and the probable innocence of Vaux. The two magistrates decided that Metman should examine Balleau himself officially and draw up a proper legal report of his statement. They went at once to the prisoner's cell. Balleau repeated to them what he had already said to Feurtet. 'The President,' he added, 'asked me if I had been bound by any oath to secrecy, and told me that, if so, there would be no risk of incurring damnation by breaking an oath of that kind. Well, gentlemen, there was such an oath. In December 1851 Gallemard got Quinard, Moisonnier, and myself to his house, his son-in-law Pichon being present; it was in the room near the bakehouse. He made us swear never to reveal anything about the fires that had taken place, or might take place in the future.' Balleau described how in February 1851, before the fires had begun, Gallemard

had summoned the three men, and one other of the name of Nouvelot to his tavern, had plied them with drink and incited them to destroy the property of the rich. 'They are all against me,' he said, 'we must make a clean sweep of them. Will you be my men to do it?' They agreed. They were to wait till a night when the wind was in the right quarter. Such a night came on March 2nd. Balleau and Moisonnier started the first conflagration, while Quinard made an unsuccessful attempt to kindle a second in another part of the village.

If this new statement of Balleau were true, it was clear that he had committed perjury at the trial of Vaux, and that he, Quinard, and Moisonnier had committed the acts of arson on March 2nd 1851, of which Vaux and Petit had been convicted. The duty of the magistrates in the presence of this fresh development was clear. A charge of perjury should have been at once preferred against Balleau, or he and the other two men should have been tried for the acts of arson committed on March 2nd, 1851. In the event of either of these charges being proved, there would have been legal ground for the revision by the Court of Cassation of the cases of Vaux and Petit. Neither of these steps were taken, nor was the official report which had been drawn up by Metman and Feurtet of Balleau's declaration included among the documents produced in Balleau's case.

The President Grasset had said that he would bring Balleau round again. This he proceeded to do in an examination of the prisoner on February 22nd, 1856. 'Since your last interrogatory' said the judge, 'you have had time to reflect on the seriousness of the charge made against you, and the possible consequences of the revelations you have made. I now ask you if you persist in them, and I invite you to tell me all you know about the crimes which, since March

1851, have ravaged the commune of Longepierre.' In response to this rather menacing invitation Balleau now said that two meetings of the conspirators had been held in February 1851, the first, at the house of Vaux, the second at that of Michaud. At both of these Vaux had been present, and at the second he had made every one raise their hand and swear on pain of death to keep the secret of the conspiracy. While the previous statement of Balleau exculpating Vaux was kept out of the case, this later one was included in it, and used at the ensuing trial of Balleau and his confederates. M. Sevestre, the judge who reported on the case to the Court of Cassation in 1879, comments thus on the value of the recantation which the President Grasset obtained from Balleau:—

'The Court will appreciate the value of this interrogatory to which a prisoner is submitted on the very eve of his trial, knowing that he is certain to be sentenced to death, having but one thought, and that how to save his head. Add to this the fact that the judge who conducts this interrogatory is to preside at his trial, and that he is the same judge who, on hearing that Balleau had withdrawn his charges against Vaux and Petit, had made the reply which speaks for itself: "That's nothing, I will soon bring Balleau round again!"'

Feurtet still hoped to serve the ends of justice by being called as a witness at the trial of Balleau. He wrote to Grasset in February, pointing out how necessary was his appearance at the ensuing Assizes to the complete unfolding of the case against the prisoners. He promised to be careful and discreet; the President should guide him in the evidence he was to give; he would keep within the strict limits of the case and would say nothing of the new developments to which his investigations had led him. The following day he wrote to his colleague, Metman.

'When I come to Chalon,' he said, 'I will tell you what I have discovered. I mean to go on in my endeavours to ensure the safety of Longepierre, the triumph of the innocent and the execution of the guilty. God's justice must be done; I am only his humble instrument. Do not, as others do, treat me as a visionary; I am nothing of the kind. I am not working for anything so vain or contemptible as mere personal glory; my motive is a higher one; and in that lies my strength.'

The replies to his letters were not such as to bring Feurtet much encouragement in his fight for justice. Metman, who was on the eve of being promoted to a judgeship in the court at Dijon, wrote discreetly and urged caution: 'It is in this new direction in which the warmth of your heart leads you, and in which I can only follow with discretion, that there is any chance of finding a final solution to our mystery. I confess I hardly expect it, I fear the secret has gone down into the grave and that no living breast contains it. Be careful not to put forward as facts capable of legal proof, suppositions, however plausible, however capable of inspiring doubt and leading to acts of pardon and clemency. . . . I wish you could be called at the Assizes; you would give your evidence calmly and succinctly with no attempt at rhetoric; I would like the President to put to you certain questions arranged beforehand, which would enable the jury to understand the case from its outset. I suppose I ought not to express such a wish for fear of seeming the friend and accomplice of "this visionary justice of the peace," but, if you have found the light, I ask nothing better than to kindle at its flame my extinguished candle, for the love of God I will ask you to let me do it.' To such a letter Feurtet could only reply, 'Every day brings some new fact to give substance to my visions. They may belittle me, kill

me with pin-pricks; I can only answer with the faithful Galileo: "Nevertheless it does move." This may be rhetorical, but it's true.'

The answer of President Grasset to Feurtet's request to be heard as a witness was even less satisfactory. He wrote that on principle he did not approve of putting into the witness box at the Assizes the magistrate who had been investigating the case; it was lowering to his dignity to expose him to the attacks and criticisms of the advocates for the defence. As it is a frequent practice in the French Assize Courts for examining magistrates to be called as witnesses, the sensitiveness of President Grasset on this point of procedure is suspicious. Nor did it meet with the approval of the judges of the Court of Cassation in 1897. 'If,' said the judge Sevestre, 'the dignity of magistrates is to be entitled to respect, then in the interest of the very powers with which they are invested, there is one supreme consideration which dominates all others, the higher interest of truth and justice.'

Baffled in his hope of being called as a witness, Feurtet asked his judicial superiors if he might come to Chalon and be present as a spectator at the trial of Balleau. Permission was accorded him and he arrived at Chalon the day before the opening of the Assizes. The same day he had an interview with the Procureur-Général de Mongis who had come specially from the Court at Dijon to conduct the prosecution of Balleau and his accomplices. Feurtet laid before him the result of his investigations at Longepierre, and expressed his doubts as to the guilt of Vaux. The Procureur-Général was clearly impressed by the arguments of Feurtet. 'It is too late now,' he said, 'to deal with the two cases at one and the same time. But I am keenly interested in your views. After this case is finished it may well be advisable to give

them fuller consideration.' Next day the same high authority said to a brother magistrate: 'There is no doubt M. Feurtet is a remarkable man, and has got a perfectly clear grasp of the cases at Longepierre.'

To have reopened the case of Vaux at the approaching trial of Balleau would have been to upset the whole carefully devised plan of the prosecution, to exclude any possible opportunity of raising in any way during the proceedings the question of the guilt or innocence of Vaux and Petit. The Act of Accusation was throughout an ingenious attempt to reconcile the guilt of Gallemard with that of Vaux by representing them as, up to a certain point, partners in crime. The character of Gallemard, once the idol of authority, was painted in the blackest colours. He was a man decried on every hand, an ex-demagogue, a cheat, a thief, and more than likely a murderer. At first he had been on the side of Vaux; afterwards jealous of the schoolmaster's ascendancy with the popular party, he had decided on his destruction. The fires at Longepierre were represented as 'the complex work of evil passions suddenly let loose.' At first Gallemard had used Balleau to bring about the conviction of Vaux, whose guilt had been fully proved; later Balleau had been his instrument to further his own nefarious schemes.

Though Balleau confessed to having been guilty of the first act of arson in Longepierre, committed in the March of 1851 and had been accused of it by Gallemard, he was only charged in the Act of Accusation with the last fire of all, that at the Sisters' school in April 1855. Quinard and Moisonnier, his fellow prisoners, were charged with acts committed since the conviction of Vaux in June 1852. Thus the conviction of these three prisoners could give no opportunity for reopening the question of the justice of the condemnation of Vaux, the acts of arson of which

he had been convicted forming no part of the proceedings in the present trial.

This commenced at the Chalon Assizes on March 15th, 1856, before Grasset. The court was crowded, but great precautions had been taken to ensure an orderly hearing of the case. The prisoner Balleau is described as tall, but thin and mean in appearance, Quinard as physically robust but nervous in bearing, Moisonnier small and round-shouldered, showing all the signs of the habitual drunkard.

President Grasset, having already in private 'brought round' Balleau to his way of thinking, had no difficulty in steering him in the same course in his public interrogatory of the prisoner. Balleau represented Vaux and Gallemard as the chiefs of the incendiary conspiracy, admitted that he with Quinard and Moisonnier had set fire to the Sisters' school, and denounced his fellow prisoners as the perpetrators of the other incendiary acts charged against them. Both Quinard and Moisonnier denied their guilt, nor can it be said that, apart from the statements of such a confirmed liar as Balleau, there was any very strong or reliable evidence against them. Their characters were bad, they were kept well supplied with drink by Gallemard, and their bearing on the occasions of some of the fires had been suspicious. But there was little more positive to be alleged against them. Nevertheless, the Procureur-Général was pitiless in his appeal to the jury to convict all the three prisoners and refuse them extenuating circumstances.

He began his speech by a discreet reference to the previous trial: 'We must,' he said, 'examine in its entirety the terrible disaster which for five years has afflicted unceasingly an unhappy commune of this department; we must link up the prisoners of to-day with the convicts of yesterday, vindicate the justice

of our country by showing that if it has not yet completed its task, it has at least made a good beginning.' He had not come to Chalon, he said, merely to give strength to the prosecution, but to protest with all the force of authority against those subversive doctrines which had kindled with the breath of Socialistic rancour the first fires at Longepierre, against the unhallowed villainy which had converted the representative of authority into the chief of a gang of incendiaries.' By such specious arguments did the official representative of justice seek to reconcile the guilt of Vaux with that of Gallemard. If any mercy were to be shown the prisoners, he said, it must not come from the jury, ' but from that merciful sovereign to whom the right to punish seems so hard, the right to pardon so easy.' ' You,' he concluded, ' have only one duty to fulfil, to punish these crimes with the same determination with which they have been executed. Strike down Balleau, Quinard, Moisonnier, as they have struck down others, mercilessly, pitilessly. For our own part, since we have ventured to introduce the name of our sovereign into these proceedings, may we be permitted to recall, in the name of our own security, those solemn words of his which proclaim the security of all: " The time has come when the virtuous shall take courage and the wicked tremble." '

Balleau, Quinard, and Moisonnier were found guilty of arson without extenuating circumstances, and sentenced to death.

The much tried inhabitants of Longepierre looked forward with some satisfaction to seeing the heads of Balleau and his accomplices fall on the scene of their misdeeds. In anticipation of their execution the public place of Longepierre was thronged on more than one morning with an expectant crowd. But this satisfaction was to be denied them. At first the authorities thought of beheading one of the prisoners

as an example to others. Feurtet was consulted as to which he would select. He replied unhesitatingly in favour of Balleau. As, however, Balleau had allowed himself to be so obligingly 'brought round' by justice, Feurtet's selection met with little favour. Finally the merciful sovereign commuted the sentence of all three to transportation for life, and sent them to join Peter Vaux in New Caledonia. There was to be no mercy for the republican schoolmaster.

Before we turn back to follow the effect of these events on the fortunes of Peter Vaux, let us finish with the story of Longepierre. The death of Gallemard had not put an end to incendiarism in the village. The contagion remained. Twice in the year 1857 fresh acts of arson were committed. Pichon, Gallemard's son-in-law, was suspected, but no case could be made out against him. Later a man, Nouvelot, and the woman Bonjour were arrested. Some evidence was collected which went to show that they had been members of Gallemard's gang, and were for private reasons continuing the good work of their late chief. In March 1858 they were convicted and sentenced to death. After that the fires at Longepierre ceased to burn, and the village disappears from the pages of history.

To Peter Vaux, in New Caledonia, news travelled, slowly and uncertainly. Letters were frequently delayed or, whether by accident or design, miscarried altogether. It was not until nearly eight months after the event that he learnt of the suicide of Gallemard. 'My dear Irma,' he writes, 'I know it is not charitable, but I am sorry that Gallemard, who has been my assassin, my tormentor, has hanged himself; the guillotine and not a napkin should have been the forfeit of his crimes.' In the December of 1856, Moisonnier arrived at New Caledonia to serve his commuted sentence of transportation for life. Vaux,

who was at that time employed as a clerk on board one of the convict ships, describes their meeting: 'I was taking down the names of the prisoners. When he gave me his, I thought the pen and paper would have fallen from my hands. My heart could not have beaten quicker had I encountered a tiger or a rattlesnake in the depths of a jungle. I felt as if I should go mad. However, I pulled myself together and went on with my work. A little later I came up to him quite calmly and asked him to explain himself. He replied that he knew nothing and was a martyr like myself. The blood rushed to my head and I said a thousand things to him that must have been very bitter and disconcerting, if he were really innocent. I don't know.' Some months later Moisonnier died miserably on his way to the hospital. 'He never would confess anything to me,' writes Vaux, 'perhaps he feared lest I should curse him!'

In November, 1857, Vaux learned of the death of his youngest child. At the same time his wife had sent him her picture. It would have been taken from him because he had not money enough to pay the dues, had not a kindly official given him the few francs needed. At the beginning of 1858, Vaux sends his wife as a New Year gift thirty francs which he has saved up from gratuities received in the course of his duties: 'It is little enough,' he writes, 'but I can see from your letters how unhappy you are. This is your New Year's present for 1858; please Heaven I shall be able to give you that of 1859 in person . . . while there's life there's hope; the future will smile on us yet.'

Vaux had interested the chaplain at Cayenne in his case. He wrote to his wife, asking her to send him all statements and testimony in his favour which she could collect. With characteristic independence he adds: 'Above all, my dear Irma, remember that your husband does not ask for one line, one word that is not

the truth, that does not represent the honest belief of those writing it . . . if you make haste, I think I can promise you from to-day that with God's help and relying on His justice, which He never denies to the widow and the fatherless, my situation will be changed before the end of the year.'

In May, Vaux was promoted to the post of librarian in the Government office at Cayenne. He writes that he will not be able to send his wife quite so much money, as his new post obliges him to spend a little more on his dress and personal appearance.

A strong effort was now made to obtain for Vaux a pardon from the Emperor. In September he received from his wife a number of testimonials to his innocence, including one from the priest of Longepierre and another from the advocate who had defended him before the Assize Court. In the January of 1859 Vaux addressed a personal petition to Napoleon III. In it he pointed out that the real criminals at Longepierre had now been convicted, and that the Legion of Honour had been conferred on M. Feurtet, who had been instrumental in bringing about their conviction. 'I was condemned,' he wrote, 'on the sole evidence of Balleau given at the instigation of Gallemard; my innocence was established when it had been proved that the first fires at Longepierre were the work of the Mayor, Gallemard, and his creature, Balleau. . . . After God, Sire, you are our only hope; my wife, my four children and I await at the hands of your Majesty that justice which, once your conscience is enlightened, you never refuse.' At the same time Admiral Baudin, the Governor of Cayenne, sent to Prince Jerome Bonaparte, then Minister for the Colonies, a memorial strongly recommending Vaux to the clemency of the Emperor. He urged, as Vaux had done, that the conviction of Balleau and the decoration of Feurtet, were equivalent to an

acknowledgment of his innocence. He spoke in the highest terms of the convict's behaviour since he had been at Cayenne, of his zeal, his honesty, and ability. Prince Jerome referred the petition to the Minister of Justice. The Minister replied:—

'Vaux, as either principal or accomplice, took an active part in the various acts of arson which during a whole year devastated one of the communes of the department of Saône-et-Loire. The great gravity of these crimes makes it impossible for the Government to consider the petition in favour of a convict whose release, in the opinion of the local authorities, would be a disastrous event. In regard to the protestations of his innocence made by Vaux, this is not the first time they have been made, and a careful examination has already shown them to be entirely baseless.'

It was in October that Vaux learnt of the failure of these efforts made on his behalf. Then for the first time in all his years of suffering, his patient confidence in ultimate justice forsook him. Sleepless and feverish, he breaks out into bitter reproaches against the people of Longepierre who, knowing his innocence, suffer him to remain a prisoner, too timid or too indifferent to press for his release. He cites them before the throne of God to answer for their crime:—

'You are happy to-day, but your happiness, as my sufferings, will have an end. You will follow me into the grave, and then before the supreme Judge, a Judge whom no toy, no mayoral scarf, or cross of honour can turn aside, will be tried the great cause between you and me. He will not say to me, "Silence, prisoner, you are a scoundrel," I shall be heard at last, and my speech will fill your hearts with terror. At the rattle of the chains which you have made me

wear, you will tremble; my wife's tears will overwhelm you as the waves of the sea; the despairing cries of my little children will echo from one end of heaven to the other to confound and destroy you.'

He bids his wife leave Longepierre; her presence there can only serve to glut the hatred of his enemies. At times he reproaches her for want of zeal and energy in his behalf, for neglect in writing to him; the next moment he asks forgiveness for his impatience. He complains bitterly and with some justice of the conduct of the village priest, whose testimonial in favour of his release had consisted merely of a copy of a brief extract from a local newspaper, giving his statement as to the visit paid him by Gallemard on the night of the fire of March 8th, 1852:—

'Knowing this, your priest, he in whose hands you place the spiritual welfare of your children, this worthy man allowed us to be convicted and said no word against Gallemard who had voted in favour of the increase of his stipend. Later, when he sees that Gallemard is run to earth, he testifies against a villain from whom he can no longer expect anything. He gives his shameful evidence, I say shameful because he should have given it at once; then he would have exposed Gallemard four years sooner, and I should not be in Guiana to-day. When you ask him to support my petition, he gives you a wretched little scrap of paper; he seems afraid lest his unworthy conduct be unmasked. If this be the way in which he who should be the worthiest of men behaves, what can one expect of the other worthies of Longepierre?'

Later he writes:—

'What days, what nights I have passed since we were parted! I have prayed that the sea might engulf me, the mountains crush me, a precipice open at my

feet; I have prayed Heaven to sink me beneath the full weight of its hatred; I have asked God, who will no longer grant me justice, to summon all the powers of injustice and overwhelm me with the misery and suffering that I have yet strength enough to endure. Sometimes I seem to wish that every kind of disaster might fall on me at once, that I might enjoy the full luxury of misfortune. I have read somewhere "There is no finer spectacle in this world than that of a good man struggling valiantly against misfortune." Some years ago a man whom I had tried to put once more into the right path and could find no answer to my arguments said to me, "Vaux, you are as great as the world." But no one knows better than I how poor and weak I am, how little is enough to cast me down. A word of kindness, sympathy, the mention of my wife and children bring the tears to my eyes. Where are my strength and courage? Misfortune, insult I can face calmly without a tear; no hate, no fury can blanch my cheek; but let any one speak to me of the love that is lost to me, the love of wife and child, then my strength is gone, my stoicism vanquished and the weakness of my nature reasserts itself. I give way to tears, but they are sweet tears and bring comfort to a heart that is innocent of remorse.'

The only chance of happiness on this earth now left to Peter Vaux lay in the hope that his wife and children would come out to him in Guiana. Permission was given by the authorities. Eagerly, at times impatiently, he urged his wife to hasten her preparations. At length, early in the October of 1861, Madame Vaux and her four children arrived at Cayenne. The Governor had given Vaux a plantation of two hundred and fifty acres, about forty miles from Cayenne, called the Hermitage. Here he tried to plant coffee, but without success. He then took to working in

wood, but the work was difficult and brought little profit. In 1864, Brutus Vaux, a boy of seventeen, accidentally shot dead his sister Ermence. 'Heaven have mercy on us,' writes Vaux in his journal, 'and grant the blood of my dear Ermence be not visited on Brutus. Poor boy! his sorrow is so great! For my part all the powers of Heaven have combined to crush me during the last twelve years! Would that I had died at my father's age (thirty)!' His daughter Irma married a prosperous merchant, but after three years of happiness the husband died leaving his wife with a little girl a few months old. The struggle against the unhealthiness and the hardness of the conditions was a severe one for Vaux and his family; food was scarce; mice overran the plantation; constant attacks of fever undermined the health of parents and children. Friends offered to lend Vaux money to help him to develop his holding, but he refused resolutely to incur debt in any shape or form.

When in 1870 the Empire fell and the Republic was proclaimed, for the last time the heart of Vaux beat high with new hope of justice and freedom. But again he was doomed to disappointment. The commune came, and after it the triumph once more of the forces of reaction. In spite of the efforts of his son, Armand, now grown to manhood, the republican Government was deaf to all entreaties to grant a pardon to Peter Vaux. Broken by suffering and disappointment, the health of the unhappy man began to give way. He developed a nervous affection of the hands, so that he had to be fed like a child. After four years of suffering patiently endured, Peter Vaux died on January 12th, 1875.

He was fifty-three years of age and had suffered twenty-two years of punishment for a crime of which he was innocent. 'For a convict,' writes his son, 'he had a magnificent funeral. That there is in all

men an innate sense of justice is shown by the respect with which he was always treated by his fellow-convicts. He was kind to all men; to one he would give advice and encouragement; to another he, poor as the poorest of them, would give tobacco or some other modest gift. We did not dare to expostulate with him. "If I were free and rich," he would say, "the sight of all the suffering round me would make me poor in a fortnight." Though the attendance at funerals is optional, all the convicts and most of the staff followed my father to the grave.' On his grave is a cross bearing the inscription:—

HERE LIES VAUX.

HE HAS GONE TO ASK JUSTICE OF GOD.

From the moment of his father's death, Armand Vaux, with a courage and determination worthy of his name, devoted himself to the rehabilitation of his father's memory. In 1876, by the most rigid economy, he succeeded in raising sufficient money to bring his family back to France. Soon after their return Madame Vaux died and was buried near Longepierre. On her grave is the following inscription:—

IRMA JEANNIN,

LOVING MOTHER, AND THE BRAVE WIFE OF A MARTYR, LIES HERE IN PEACE, 2000 LEAGUES AWAY FROM HIM WHOSE EXILE SHE SHARED.

In 1883 a petition was drawn up, signed by one hundred and thirty seven out of the hundred and fifty electors of Longepierre, asking for the reconsideration of the case of Peter Vaux. Armand Vaux tried to interest Gambetta and Victor Hugo in his cause but without success. Hugo could for purposes of his own whitewash a ruffian such as Claude Gueux, but in the case of Peter Vaux he was deaf to the claims of

a genuine martyr to injustice. At length a deputy was found to present the petition to the Chamber. But justice pleaded its incompetence to reopen the case. It did not fall within the provisions of Article 444 of the Criminal Code which laid down the grounds on which alone a case could be submitted to the Court of Cassation for revision. In 1885 the children of Vaux addressed a petition to President Grévy setting forth the facts of the conviction of Vaux and the subsequent suicide of Gallemard. The Ministry of Justice replied that the investigation into the case of Gallemard 'had only served to confirm the proofs of the guilt of Vaux and his fellow prisoners.' In the same year Armand and his brother Brutus had an interview with Grévy. The President said that he was devoted to their cause but could do nothing by himself. 'As a lawyer,' he said, 'I worked for the family of Lesurques, but we could get no result. There is a serious gap in our laws which sooner or later must be filled up.' It was pointed out to him that there was no analogy between the case of Vaux and that of Lesurques. Grévy promised to recommend the case to M. Freycinct, then President of the Council of Ministers, but the latter fell from office soon after and the matter was dropped. In 1887 a rumour that the pardon of Vaux was about to be granted evoked the following semi-official statement:—

'To obtain the revision of a conviction, the heirs of the convicted person must make the demand for it within a period of two years from the conviction, which must itself be at the same time inconsistent with a previous conviction to justify revision. This period has, unfortunately for the heirs of Peter Vaux, long been passed, nor have they been able to prove that his conviction was inconsistent with those of the other persons convicted of acts of arson.'

In 1888 Armand Vaux wrote to Carnot, who had succeeded to the Presidency of the Republic, and asked him to give his support to a bill to be brought forward modifying clause 444 of the code in such a way as to permit of a re-investigation of his father's case. The President's secretary replied saying that the matter had been referred to the Ministry of Justice. 'What do you,' wrote Armand Vaux, 'who read these lines say to this treatment of my request for the pardon of my father, dead now fourteen years? The play written round Peter Vaux has been played in nearly every theatre in France; his name is more popular than that of Lesurques; our claim has wakened a response in every heart; the Government alone ignores it. Such is the result of all our efforts. However, in accordance with the solemn pledge entered into between my father and myself, I shall continue the struggle, hopeless as it may seem, fully persuaded that in crying loudly for the reform of the Criminal Code, I am fighting in a high and sacred cause, not only to achieve the rehabilitation of the name I am proud to bear, but for the sake of all those who, whatever their condition, are or may be the victims of man's justice. And thus my long and persistent efforts will not have been in vain.'

In 1889 a book was published giving the full history of the case of Peter Vaux. Already his story had been made the subject of a play, and a local newspaper in the department of Saône-et-Loire had published as a serial a portion of the book. The authors had been fortunate enough to obtain possession of the official correspondence of the Justice of the Peace, Feurtet. Though he had been decorated by the Emperor for his skill and activity in investigating the crimes of Longepierre, the magistrate himself had ever had it on his conscience that, in spite of official discouragement, he had not persisted still further in

his efforts to obtain the revision of the conviction of Peter Vaux. A few years after he had relinquished the case, he wrote thus:—

'Is it a crime to disagree with the findings of a court of justice? Is it a crime to express openly the reasons which cause heart and intellect to protest against its decisions? For six years my conscience rebels at my silence, I blush for myself, I suffer to the very depth of my soul; I ask whether there is any court of justice higher than that of the truth, and whether I should for ever smother facts, deductions which must lead to a revision, if not to a full remission, of the sentence. Whatever may be thought of me in a world in which I have already incurred the hatred of some of those in high places, I have made up my mind to put pen to paper, that I may reconcile myself with myself and rid me of a cause of cruel and ceaseless torture. I speak of the case of Peter Vaux condemned to penal servitude for life on June 23rd, 1852.'

With the aid of the papers left by Feurtet, and the documents in the case preserved in the records of the Chalon Assize Court, the authors of *The Story of Peter Vaux* were able to set before the public the real facts of the case, and expose the dishonesty of those responsible for the prosecution of Vaux and the cruel prolongation of his sufferings as a convict.

Armand Vaux, true to his word, fought on in the vindication of his father's memory. At length the electors of the Côte d'Or, the neighbouring department to that of Saône-et-Loire, in which Longepierre is situated, sent him as a deputy to the Chamber. There in the year 1895 after a struggle which had now lasted nearly twenty years, he succeeded in getting a law passed which so altered the Criminal Code as to bring his father's case within the power of the Court of Cassation, the supreme court of France, to revise. Under this law the court was given power of revision

in cases where, after a conviction, a fact had been produced or revealed, or documents discovered, which were of such a nature as to establish the innocence of the convicted person; and where, owing to the decease of the convict, a re-hearing of the case was impossible, the court had power to review the case and, if the conviction were found to be unjust, to annul the previous judgment and clear the memory of the dead man.

Under this law the cases of Peter Vaux and John Petit were heard before the Court of Cassation on December 3rd, 1897. In the appeal courts in France one of the judges of the court draws up a report on the case, which he submits to his brethren. The report of the judge, Sevestre, in this case gives a masterly exposition of the history of the martyrdom of Peter Vaux. The Procureur-Général spoke warmly in favour of revision; he did not hesitate to stigmatise the conviction and subsequent treatment of Vaux as a judicial crime, and spoke with glowing indignation of the conduct of the Imperial magistracy. After a hearing lasting five days, the court annulled the convictions of both Vaux and Petit, granting by way of compensation 100,000 francs to the family of Vaux and 50,000 to that of Petit.

GLASGOW: W. COLLINS SONS AND CO. LTD.